AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

10-30-89
Vol. 54 No. 208

federal register

Monday
October 30, 1989
Book 1 of 3 Books

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

10-30-89
Vol. 54 No. 208

Book 1:

Pages 43935-44400

Book 2:

Pages 44401-45054

Book 3:

Pages 45055-45728

Federal Register

Monday
October 30, 1989

Briefing on How To Use the Federal Register
For information on briefings in San Francisco, CA, and Seattle, WA, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $340 per year in paper form; $195 per year in microfiche form; or $37,500 per year for the magnetic tape. Six-month subscriptions are also available at one-half the annual rate. The charge for individual copies in paper or microfiche form is $1.50 for each issue, or $1.50 for each group of pages as actually bound, or $175.00 per magnetic tape. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 54 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SAN FRANCISCO, CA

WHEN: November 29; at 9:00 a.m.
WHERE: Room 15138,
450 Golden Gate Avenue,
San Francisco, CA.
RESERVATIONS: Call Mary Walters at the San Francisco Federal Information Center,
415–556–6600.

SEATTLE, WA

WHEN: November 30; at 1:00 p.m.
WHERE: South Auditorium, 4th Floor,
915 2nd Avenue,
Seattle, WA.
RESERVATIONS: Call Carmen Meler or Peggy Groff at the Portland Federal Information Center on the following numbers:
Seattle: 206–442–0570,
Tacoma: 206–383–7970,
Portland: 503–326–2222.

Contents

Federal Register

Vol. 54, No. 208

Monday, October 30, 1989

ACTION
PROPOSED RULES
Regulatory agenda, 45256

Advisory Council on Historic Preservation
See Historic Preservation, Advisory Council

Agency for International Development
PROPOSED RULES
Regulatory agenda, 45262

Agriculture Department
See also Commodity Credit Corporation; Federal Crop Insurance Corporation; Food Safety and Inspection Service
PROPOSED RULES
Regulatory agenda, 44408

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Regulatory agenda, 45061

Architectural and Transportation Barriers Compliance Board
PROPOSED RULES
Regulatory agenda, 45266

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Civil Rights Commission
PROPOSED RULES
Regulatory agenda, 45270

Coast Guard
PROPOSED RULES
Vessel documentation and measurement:
Controlling interest; citizenship requirements Correction, 44008

Commerce Department
See also Export Administration Bureau; International Trade Administration; National Oceanic and Atmospheric Administration
PROPOSED RULES
Regulatory agenda, 44480
NOTICES
Agency information collection activities under OMB review, 43973, 43974
(4 documents)

Commodity Credit Corporation
RULES
Loan and purchase programs:
Emergency livestock assistance, 43941

Commodity Futures Trading Commission
PROPOSED RULES
Regulatory agenda, 45514
NOTICES
Meetings; Sunshine Act, 44005
(3 documents)

Comptroller of the Currency
PROPOSED RULES
Regulatory agenda, 45068

Consumer Product Safety Commission
PROPOSED RULES
Regulatory agenda, 45520

Customs Service
PROPOSED RULES
Regulatory agenda, 45075
NOTICES
Commercial laboratory accreditations:
Atlantic Petroleum Services, Inc., 44004
Petroleum products; approved public gauger:
Tucker Inspections, Inc., 44004

Defense Department
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 45486
Regulatory agenda, 44538

Education Department
PROPOSED RULES
Regulatory agenda, 44566

Energy Department
See also Federal Energy Regulatory Commission
PROPOSED RULES
Regulatory agenda, 44584

Environmental Protection Agency
PROPOSED RULES
Regulatory agenda, 45272
NOTICES
Agency information collection activities under OMB review, 43986
Pesticides; emergency exemptions, etc.:
Metalaxyl, 43986
Superfund; response and remedial actions, proposed settlements, etc.:
Somersworth Sanitary Landfill Superfund Site, NH, 43987
Water pollution control:
National pollutant discharge elimination system; State programs—
Washington, 43988

Equal Employment Opportunity Commission
RULES
Employment discrimination:
Charges; designation of State and local fair employment practices agencies (706 agencies)—
Anchorage (AK) Equal Rights Commission; correction, 44007
PROPOSED RULES
Regulatory agenda, 45350

Executive Office of the President
See Management and Budget Office; Presidential Documents

Export Administration Bureau
NOTICES
Export privileges, actions affecting:
Sanchez, Ruben, et al., 43974
Spawr, Walter J., et al., 43975

Farm Credit Administration
PROPOSED RULES
Regulatory agenda, 45530

Federal Aviation Administration
RULES
Airworthiness directives:
Pratt & Whitney, 43954
Control zones, 43959
(2 documents)
Transition areas, 43956–43958
(5 documents)
PROPOSED RULES
Transition areas, 43971
NOTICES
Exemption petitions; summary and disposition, 44003
Organization, functions, and authority delegations:
Rockford, IL, 44003

Federal Communications Commission
PROPOSED RULES
Regulatory agenda, 45536

Federal Crop Insurance Corporation
NOTICES
Committees; establishment, renewal, termination, etc.:
Advisory Committee, 43973

Federal Deposit Insurance Corporation
PROPOSED RULES
Regulatory agenda, 45554
NOTICES
Meetings; Sunshine Act, 44005

Federal Emergency Management Agency
PROPOSED RULES
Regulatory agenda, 45356

Federal Energy Regulatory Commission
PROPOSED RULES
Regulatory agenda, 45562
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Pinellas County (FL) Board of County Commissioners, 43982
Natural gas certificate filings:
United Gas Pipeline Co. et al., 43983
Natural gas companies:
Small producer certificates, applications, 43982
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 43985
Seagull Interstate Corp., 43985
Trunkline Gas Co., 43986

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Guilford County, NC, 44004

Federal Home Loan Bank Board
PROPOSED RULES
Regulatory agenda, 45568

Federal Housing Finance Board
PROPOSED RULES
Regulatory agenda. *See* entry under Federal Home Loan Bank Board.

Federal Maritime Commission
PROPOSED RULES
Regulatory agenda, 45578

Federal Mediation and Conciliation Service
PROPOSED RULES
Regulatory agenda, 45366

Federal Reserve System
RULES
Securities credit transactions; OTC margin stocks list (Regulations G, T, U, and X), 43952
PROPOSED RULES
Regulatory agenda, 45586
NOTICES
Applications, hearings, determinations, etc.:
Lauder, Winston R., 43988

Federal Trade Commission
PROPOSED RULES
Regulatory agenda, 45598

Financial Management Service
See Fiscal Service

Fiscal Service
PROPOSED RULES
Regulatory agenda, 45057

Fish and Wildlife Service
RULES
Endangered and threatened species:
Guam rail, 43966

Food and Drug Administration
RULES
Color additives:
FD&C Red No. 3 and lakes, 43961
Human drugs:
Antibiotic drugs—
Cefuroxime sodium injection; correction, 44007
Clindamycin phosphate lotion; correction, 44007
Organization, functions, and authority delegations:
Biologics Evaluation and Research Center, 43960
NOTICES
Food for human consumption:
Identity standard deviation; market testing permits—
Sour cream, lite, 43989–43991
(5 documents)
Human drugs:
Par Pharmaceutical, Inc.; approval withdrawn; correction, 44007
Vitarine Pharmaceuticals, Inc.; proposed approval withdrawal; correction, 44007
Medical devices; premarket approval:
Hancock Porcine Bioprosthesis, Models 242, etc., 43991

Food Safety and Inspection Service
RULES
Meat and poultry inspection:
Imported poultry products; residue sampling and testing program, 43948

General Services Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 45486
Regulatory agenda, 45368

Health and Human Services Department
See also Food and Drug Administration; Health Resources and Services Administration; Human Development Services Office; Public Health Service
RULES
Acquisition regulations:
Miscellaneous amendments, 43965
PROPOSED RULES
Regulatory agenda, 44604

Health Resources and Services Administration
See also Public Health Service
NOTICES
Advisory committees; annual reports; availability, 43992

Historic Preservation, Advisory Council
PROPOSED RULES
Regulatory agenda, 45260

Housing and Urban Development Department
PROPOSED RULES
Regulatory agenda, 44702
NOTICES
Environmental statements; availability, etc.:
Port Chester, NY, 43993
Senior Executive Service:
Performance Review Board; membership, 43993

Human Development Services Office
NOTICES
Agency information collection activities under OMB review, 43992

Interior Department
See also Fish and Wildlife Service; Minerals Management Service; Reclamation Bureau
PROPOSED RULES
Regulatory agenda, 44738

Internal Revenue Service
PROPOSED RULES
Regulatory agenda, 45083

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Countervailing duties:
Cotton shop towels from Peru, 43977
Standard chrysanthemums from Netherlands, 43977
Export trade certificates of review, 43980, 43981 (3 documents)

International Trade Commission
NOTICES
Import investigations:
Aluminum sulfate from Venezuela, 43998

Interstate Commerce Commission
PROPOSED RULES
Regulatory agenda, 45606

Justice Department
PROPOSED RULES
Regulatory agenda, 44806

Labor Department
PROPOSED RULES
Regulatory agenda, 44828

Management and Budget Office
PROPOSED RULES
Regulatory agenda, 45422

Merit Systems Protection Board
PROPOSED RULES
Regulatory agenda, 45388

Minerals Management Service
NOTICES
Meetings:
Pacific Regional Technical Working Group, 43994

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 45486
Regulatory agenda, 45392

National Archives and Records Administration
PROPOSED RULES
Regulatory agenda, 45404

National Capital Planning Commission
PROPOSED RULES
Regulatory agenda, 45410

National Council on the Handicapped
NOTICES
Meetings; Sunshine Act, 44005

National Credit Union Administration
PROPOSED RULES
Regulatory agenda, 45612

National Foundation on the Arts and the Humanities
PROPOSED RULES
Regulatory agenda (National Endowment for the Arts), 45412
Regulatory agenda (National Endowment for the Humanities), 45416
NOTICES
Agency information collection activities under OMB review, 43999
Meetings:
Dance Advisory Panel, 44000
Humanities National Council; correction, 44007
Opera-Musical Theater Advisory Panel, 44000
Meetings; Sunshine Act, 44006

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 43970

National Science Foundation
PROPOSED RULES
Regulatory agenda, 45420

NOTICES
Meetings:
Cell Biology Program Advisory Panel, 44000
Geography and Regional Science Advisory Panel, 44000

Nuclear Regulatory Commission
PROPOSED RULES
Regulatory agenda, 45620
NOTICES
Meetings:
Reactor Safeguards Advisory Committee, 44001
(2 documents)

Office of Management and Budget
See Management and Budget Office

Panama Canal Commission
RULES
Shipping and navigation:
Transiting vessels and measurement requirements, 43962
PROPOSED RULES
Regulatory agenda, 45446

Peace Corps
PROPOSED RULES
Regulatory agenda, 45450

Pennsylvania Avenue Development Corporation
PROPOSED RULES
Regulatory agenda, 45452

Pension Benefit Guaranty Corporation
PROPOSED RULES
Regulatory agenda, 45454

Personnel Management Office
RULES
Health benefits, Federal employees:
Health care practitioners and services or supplies providers; debarments, and civil monetary penalties and assessments for cited offenses, 43939
PROPOSED RULES
Regulatory agenda, 45428
NOTICES
Agency information collection activities under OMB review, 44001

Presidential Documents
PROCLAMATIONS
Special observances:
Arab-American Day, National (Proc. 6056), 43937
Country Music Month (Proc. 6055), 43935

Public Health Service
See also Food and Drug Administration; Health Resources and Services Administration
NOTICES
Organization, functions, and authority delegations:
Centers for Disease Control, 43992

Railroad Retirement Board
PROPOSED RULES
Regulatory agenda, 45462
NOTICES
Agency information collection activities under OMB review, 44002

Reclamation Bureau
NOTICES
Contract negotiations:
Quarterly status tabulation of water service and repayment, 43994

Regulatory Information Service Center
PROPOSED RULES
Unified agenda of Federal regulations, 44402

Resolution Trust Corporation
NOTICES
Meetings; Sunshine Act, 44006

Securities and Exchange Commission
PROPOSED RULES
Regulatory agenda, 45646

Selective Service System
PROPOSED RULES
Regulatory agenda, 45470

Small Business Administration
PROPOSED RULES
Regulatory agenda, 45472

State Department
PROPOSED RULES
Regulatory agenda, 44878

Tennessee Valley Authority
PROPOSED RULES
Regulatory agenda, 45482

Thrift Supervision Office
PROPOSED RULES
Regulatory agenda. *See* entry under Federal Home Loan Bank Board.

Transportation Department
See also Coast Guard; Federal Aviation Administration; Federal Highway Administration
PROPOSED RULES
Regulatory agenda, 44884
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 44002

Treasury Department
See also Alcohol, Tobacco and Firearms Bureau; Comptroller of the Currency; Customs Service; Fiscal Service; Internal Revenue Service; Thrift Supervision Office
PROPOSED RULES
Regulatory agenda, 45056

Veterans Affairs Department
PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc.:
Independent medical opinions
Correction, 44008
Regulatory agenda, 45226

Separate Parts In This Issue

Parts II through LVIII
Unified Agenda of Federal Regulations, 44402

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

6055 43935
6056 43937

5 CFR

890 43939

7 CFR

1475 43941

9 CFR

381 43948

12 CFR

207 43952
220 43952
221 43952
224 43952

14 CFR

39 43954
71 (7 documents) 43956–43959

Proposed Rules:

71 43971

21 CFR

5 43960
81 43961
442 44007
453 44007

29 CFR

1601 44007

35 CFR

103 43962
133 43962

38 CFR

Proposed Rules:

3 44008

46 CFR

Proposed Rules:

67 44008

48 CFR

302 43965
304 43965
309 43965
315 43965
332 43965
342 43965
352 43965

50 CFR

17 43966
642 43970

Federal Register
Vol. 54, No. 208
Monday, October 30, 1989

Presidential Documents

Title 3—

The President

Proclamation 6055 of October 25, 1989

Country Music Month, 1989

By the President of the United States of America

A Proclamation

With its origins in the folk songs of immigrants and workers, country music boasts a rich heritage as well as a wide audience. During Country Music Month, as we celebrate this uniquely American art form and salute the musicians and audiences who give it life, we recall a proud portion of our history and culture.

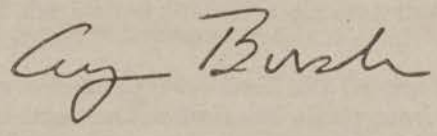
Over the years, country music has given eloquent expression to the American spirit. In its simple strains, we hear the voices of a people united by their faith, their love of freedom, and their appreciation for honesty and hard work. Yet, as varied as each of the men and women who compose it, country music also captures our Nation's ethnic and cultural diversity.

Today, country music is thriving not only in the United States, but around the world as well. Its popularity is a tribute to the generations of Americans who have graced it with their talent and vision.

The Congress, by House Joint Resolution 401, has designated October 1989 as "Country Music Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 1989 as Country Music Month. I call on all the people of the United States to observe the month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 89-25629
Filed 10-26-89; 2:19 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 6056 of October 25, 1989

National Arab-American Day, 1989

By the President of the United States of America

A Proclamation

For decades, Arab-Americans have made valuable contributions to virtually every aspect of American life: in science, medicine, education, business, culture and government. The works of many talented Arab-American artists and writers grace our museums and libraries throughout the United States. Since the first Arab immigrant came to these shores more than a century ago, men and women of Arab descent have shared with us the rich history and traditions of Arab culture.

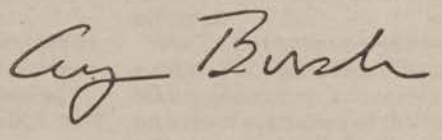
With pride in their ethnic heritage and with great faith in the principles upon which this country was founded, Arab-Americans have added to the strength and diversity of American society. Arab-Americans occupy positions of leadership and responsibility throughout our system of government, setting a fine example of public service at the local, State, and national level.

Arab-Americans have also enriched our Nation with the quiet power of strong families and close-knit communities. Many have come to the United States in search of the blessings of peace and freedom. They have quickly seized the opportunities life in this free and democratic country affords, yet they have not forgotten their ancestral homelands. They join all Americans in the desire to bring peace and security to that troubled region. Industrious and determined, they have helped give us a more profound understanding of the rights and responsibilities we have as citizens of a free and prosperous Nation.

In recognition of the contributions of Arab-Americans, the Congress, by House Joint Resolution 241, has designated October 25, 1989, as "National Arab-American Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 25, 1989, as National Arab-American Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 89-25700
Filed 10-27-89; 10:52 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 54, No. 208
Monday, October 30, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Debarments, Civil Monetary Penalties and Assessments Imposed on Health Care Practitioners and Providers of Services or Supplies for Cited Offenses

AGENCY: Office of Personnel Management.

ACTION: Interim regulations with comments requested.

SUMMARY: The Office of Personnel Management (OPM) is publishing interim regulations to implement title I of Pub. L. 100–654, the "Federal Employees Health Benefits Amendments Act of 1988." Title I of Pub. L. 100–654 permits OPM to exclude from further participation in the Federal Employees Health Benefits (FEHB) Program any health care provider (1) convicted of fraud or various other cited examples of unethical professional conduct, or (2) determined by OPM to have committed various cited offenses against the FEHB Program, including the submission of false claims or excessive charges. In addition to debarment sanctions, OPM may also impose civil monetary penalties and assessments it deems appropriate for offenses under item (2). OPM has the responsibility to impose the sanctions noted above for offenses committed on or after January 1, 1989.

DATES: *Effective Date:* January 1, 1989.
Comment Date: November 29, 1989.

ADDRESSES: Written comments may be sent to Reginald M. Jones, Jr., Assistant Director, Office of Retirement and Insurance Policy, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044, or delivered to OPM, Room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Ray, (202) 632–4634.

SUPPLEMENTARY INFORMATION: Title I of Pub. L. 100–654, enacted on November 14, 1988, permits OPM to bar a "provider of health care services or supplies," defined as a physician, hospital, or other individual or entity which furnishes health care services or supplies, from further participation in the FEHB Program if that provider has been convicted under Federal or State law:

(1) Of a criminal offense relating to fraud, corruption, breach of fiduciary responsibility, or other financial misconduct in connection with the delivery of a health care service or supply;

(2) Of a criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care service or supply;

(3) In connection with the interference with or obstruction of an investigation or prosecution of a criminal offense described in (1) or (2) above; or

(4) Of a criminal offense relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.

OPM may also bar a provider from further participation in the FEHB Program:

(1) Whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

(2) That surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

OPM may also bar a provider for "FEHB Program-related offenses" when OPM determines that the provider:

(1) Charged for health care services or supplies that the provider knew or should have known were not provided as claimed;

(2) Charged for health care services or supplies in an amount substantially in excess of such provider's customary charge for such services or supplies, or charged for health care services or supplies which were substantially in excess of the needs of the covered individual or which were of a quality that failed to meet professionally recognized standards for such services or supplies;

(3) Knowingly made, or caused to be made, any false statement or misrepresentation of a material fact which was reflected in a claim; or

(4) Knowingly failed to provide any information required by a carrier or by OPM to determine whether a payment or reimbursement should be made or the correct amount of the payment or reimbursement.

In addition to a period of debarment for "FEHB Program-related offenses", OPM may also impose a civil monetary penalty of not more than $10,000 for any item or service involved and/or an assessment in lieu of damages of not more than twice the amount claimed for each such item or service. However, no debarment, civil monetary penalty, or assessment may be imposed based on any criminal or other conduct occurring before January 1, 1989.

In analyzing the various provisions of title I of Pub. L. 100–654, we recognized the need for a new Subpart to be added to Part 890, Federal Employees Health Benefits Program, to fully address such administrative matters as the manner in which debarred providers might apply to OPM after the expiration of the minimum period of debarment required by Pub. L. 100–654, the exceptions that might be made to the general rule that individuals covered by the FEHB Program can not use the services of debarred providers, the mechanics of the hearing process, etc. However, of necessity, we have concentrated our initial efforts on those areas of administration that needed to be formalized and in place at the earliest date possible. These appear to encompass (1) those relatively subjective areas of OPM determinations to impose sanctions for FEHB-related offenses and (2) the severity of the sanctions in general, i.e., debarments, civil monetary penalties, or assessments, be they imposed for criminal offenses or for FEHB-related offenses.

We do not believe it is necessary to publish the equivalent of standards for taking debarment actions against providers convicted of the numerous offenses cited in Pub. L. 100–654 or for those providers who have suffered the loss of their professional licenses. Nor do we believe it is necessary for us to elaborate on the language found in Pub.

L. 100–654 concerning the submission of fraudulent claims and the resultant debarment for these FEHB-related offenses. However, we do deem it appropriate to establish in our regulations the equivalent of standards that OPM will use in the more subjective areas of debarments, civil monetary penalties, and assessments for FEHB Program-related offenses related to excessive charges, over-prescribing, and the poor quality of care. In the following interim regulations we will also address the criteria for establishing the length(s) of debarment, the amount of civil monetary penalties and assessments in lieu of damages.

Waiver of Notice of Proposed Rulemaking

Under 5 U.S.C. 553 (b)(3)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. Publication of proposed rulemaking would be impractical. The authority to debar and/or impose civil monetary penalties and assessments is granted OPM by recently enacted legislation and is tied to infractions committed on or after January 1, 1989. These regulations are needed immediately in order to effectively administer and enforce the new legislation.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities. These regulations merely conform to the standards already in place for providers under the health care programs administered by the Department of Health and Human Services, such as Medicare and Medicaid.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health benefits, Retirees, Worker's compensation.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending part 890 of title 5 of the Code of Federal Regulations as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 is revised to read as follows:

Authority: 5 U.S.C. 8913; § 890.102 also issued under 5 U.S.C. 1104 and Pub. L. 100–654; § 890.803 also issued under sec. 303 of Pub. L. 99–569, 100 Stat. 3190, sec. 188 of Pub. L. 100–204, 101 Stat. 1331, and sec. 204 of Pub. L. 100–238, 101 Stat. 1744; Subpart J also issued under title I of Pub. L. 100–654.

2. Subpart J is added to part 890 to read as follows:

Subpart J—Debarments, Civil Monetary Penalties and Assessments Imposed Against Providers

Sec.
890.1001 [Reserved]
890.1002 Definitions
890.1003 Standards for OPM determinations of excessive charges, overprescribing, and services or supplies of a poor quality in connection with claims presented under this chapter.
890.1004 Standards for determining either the period of debarment or the amount of civil monetary penalties or assessments.
890.1005 Effective dates and notices
890.1006–890.1009 [Reserved]

Subpart J—Debarments, Civil Monetary Penalties and Assessments Imposed Against Providers

§ 890.1001 [Reserved]

§ 890.1002 Definitions.

(a) For the purposes of this subpart, the terms *convicted* and *provider* have the meanings set forth in section 8902a of title 5, United States Code.

(b) *Debarment* means that services or supplies furnished by a specific provider will no longer be reimbursed by the various carriers or health plans under title 5, United States Code, or this Part.

(c) *Sanction* means any of the three penalties provided by section 8902a of title 5, United States Code, for the offenses cited therein. The three penalties are debarment, civil monetary penalties of not more than $10,000 for any item or service involved, and assessments of not more than twice the amount claimed for each such item or service.

§ 890.1003 Standards for OPM determinations of excessive charges, overprescribing, and services or supplies of a poor quality in connection with claims presented under this chapter.

(a) *Basis for sanctions.* Section 8902a(c) of title 5, United States Code, provides OPM the authority to impose sanctions against health care providers for cited offenses against the FEHB Program.

(b) *Standards.* (1) In making a determination that a provider has charged for health care services or supplies in an amount substantially in excess of such provider's customary charges for such services or supplies, OPM may rely, in part, upon a statistical sampling of previous claims and requests for payment filed by that provider and obtained either from FEHB carrier files, other Government programs, private sector insurance sources or from the provider's own records. OPM shall take into consideration whether such charges deemed to be excessive are justified by unusual circumstances or medical complications requiring additional time, effort, or expense in localities in which it is acceptable medical practice to make an extra charge in such case.

(2) In making a determination that a provider has charged for health care services or supplies which are substantially in excess of the needs of the insured or which are of a quality that fails to meet professionally recognized standards for such services or supplies, OPM may rely, in part, upon reports, including sanction reports, from the following sources:

(i) The Professional Standards Review Organization or the Peer Review Organization for the area served by the provider;

(ii) State or local licensing or certification authorities;

(iii) Peer review committees of health plan carriers;

(iv) State or local professional societies; or

(v) Other sources deemed appropriate by OPM.

§ 890.1004 Standards for determining either the period of debarment or the amount of civil monetary penalties or assessments.

(a) In determining either the period of debarment or the amount of any civil monetary penalty or assessment, OPM shall take into account the specifics of section 8902a(e) of title 5, United States Code; i.e., the nature of any claims involved and the circumstances under which they were presented; the degree of culpability, history of prior offenses or improper conduct of the provider involved, and such other matters as justice may require.

(b) The following standards will be used when taking into account the factors listed in paragraph (a) of this section:

(1) *Criminal convictions.* The nature of the offense, the severity and magnitude of the crime, the extent of the provider's involvement and the

provider's previous record, if any, will be of paramount importance in determining the period of debarment under 8902a(b) of title 5, United States Code.

(2) *Nature and circumstances of claims.* It shall be considered a mitigating circumstance if all the items or services subject to a determination under 8902a(c) of title 5, United States Code, included in the action brought under this part were of the same type and occurred within a short period of time, or were few in number and the total amount claimed was less than $1,000. It shall be considered an aggravating circumstance if such items or services were of several types, occurred over a lengthy period of time, were numerous (or the nature and circumstances indicate a pattern of claims for such items or services), or the amount claimed for such items or services was substantial.

(3) *Degree of culpability.* It shall be considered a mitigating circumstance if the claim was the result of an unintentional and unrecognized error in the process the provider followed in presenting claims, and corrective steps were taken promptly after the error was discovered. It shall be considered an aggravating circumstance if, for example, the provider knew or should have known he or she had previously been suspended from participation and such suspension was still in effect.

(4) *Prior offenses.* It shall be considered an aggravating circumstance if at any time prior to the presentation of the claim at issue in the debarment deliberations the provider was held liable for criminal, civil, or administrative sanctions in connection with the program covered by this part or any other public or private program of reimbursement for medical services.

(5) If there are substantial or several mitigating circumstances, OPM shall set any period of debarment at a minimum period of at least two years. If there are substantial or several mitigating circumstances, OPM shall set the aggregate amount of any civil monetary penalty and assessment at an amount equivalent to at least 25% of the maximums allowed by 8902a(c) of title 5, United States Code. However, unless there are extraordinary mitigating circumstances, the aggregate amount of the civil monetary penalty and assessment must be at least double the estimated amount of damages sustained by the FEHB Program as a result of the claim(s) in question.

(6) If there are substantial or several aggravating circumstances, OPM shall set a period of debarment at a minimum period of at least 4 years. If there are substantial or several aggravating circumstances, OPM shall set the aggregate amount of any civil monetary penalty and assessment at an amount equivalent to at least 75% of the maximum allowed by 8902a(c) of title 5, United States Code.

§ 890.1005 Effective dates and notices.

(a) If OPM proposes to invoke any sanctions under section 8902a (b) or (c) of title 5, United States Code, OPM will send written notice of its intent, including the reasons for the proposed sanction(s), the proposed duration of the debarment, if any, and the proposed amount of any civil monetary penalty or assessment to the provider and advise the provider of the right to a reconsideration within OPM.

(b) Within 30 days of the date of the notice, the provider may submit:

(1) Documentary evidence and written argument against the proposed sanction; or

(2) A written request to present evidence or argument orally to an OPM official.

(c) For good cause shown by the provider, OPM may extend the 30-day period.

(d) If, after the provider has exhausted the reconsideration rights within OPM or failed to exercise his or her right to reconsideration within OPM, OPM decides to invoke any sanctions, it will send written notice of its decision to the provider at least 30 days before the proposed effective date of the sanction(s). The written notice will set forth:

(1) The basis for the sanction;

(2) The duration of the debarment, if any, and the factors used in determining the duration;

(3) The requirements and procedures for reinstatement, if applicable;

(4) The amount of the civil monetary penalty or assessment, if any, and how such penalty and/or assessment was determined;

(5) The right to a hearing.

(e) If the right to a hearing is waived, OPM will implement the effective date of the sanction(s) as provided in the notice required by paragraph (d) of this section. If the right to a hearing is exhausted and OPM is upheld by the hearing officer, OPM shall set the date of the sanction(s) to become effective within 31 days of the final decision of the hearing officer.

§§ 890.1006–890.1009 [Reserved]

[FR Doc. 89–25460 Filed 10–27–89; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1475

Emergency Livestock Assistance

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: An interim rule was published in the **Federal Register** on October 14, 1988 (53 FR 40206), which amended the regulations at 7 CFR part 1475, to implement the livestock emergency programs authorized by the Agricultural Act of 1949 (the 1949 Act) as amended by the Disaster Assistance Act of 1988, Public Law 100–387 (the 1988 Act). The interim rule provided that under these programs the Commodity Credit Corporation (CCC) may make assistance available to eligible owners of livestock who do not have adequate supplies of feed due to certain natural disasters.

The interim rule also deleted the then current regulations set forth at this part. This final rule adopts the interim rule with certain changes which will enhance the effectiveness of these programs. The final rule also amends 7 CFR part 1475 to set forth the regulations which relate to the use of price support loan collateral as assistance under title VI of the 1949 Act as amended by the Disaster Assistance Act of 1989.

EFFECTIVE DATE: October 30, 1989.

FOR FURTHER INFORMATION CONTACT: Harry D. Millner, Program Specialist, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone: (202) 475–3605.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Regulations 1512–1 and Executive Order 12291 and has been classified "major." It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the Federal Assistance Program to which this final rule applies are: Title—Commodity Loans and Purchases; Number 10.051 as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the CCC is not required by 5 U.S.C. 553 or

any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the livestock feed programs has been completed. It has been determined that this action is not expected to have any significant impact on the quality of human environment. In addition, it has been determined that this action will not adversely effect environmental factors such as wildlife habitat, water quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environment Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Comments Received

There were 23 letters submitted to CCC pertaining to the interim rule, with a total of 33 comments. These comments were submitted by farm associations, members of Congress, State departments of agriculture, farm bureaus, producer councils, and individuals.

1. There were a total of 5 comments expressing concern that producers who purchased Federal Crop Insurance Corporation (FCIC) crop insurance as a risk management tool are ineligible for full disaster assistance. The comments expressed concern that this would discourage the purchase of crop insurance and perpetuate government assistance to farmers in emergency situations. One of the comments suggested that provisions be made to reduce the livestock assistance to a producer only by the amount by which the sum of assistance and the net crop insurance indemnity payment exceeds 100 percent of the expected proceeds had there not been a disaster. These suggestions have been adopted in part.

In order to assure that sufficient assistance is provided to all livestock producers, it has been determined that beginning with the 1989 crop disaster, if a producer purchases crop insurance, the indemnity payment which is made to the producer will not be converted to feed grain equivalent (FGE) and considered as feed on hand or reduce the amount of loss suffered by the producer provided that the producer elects to take the appropriate option as provided in this part. Thus, the producer who purchases FCIC crop insurance for 1989 and subsequent years may also be eligible for full livestock feed assistance.

2. There were a total of 8 comments expressing concern that certain game birds, such as pheasants and other game birds, were not included in the definition of poultry. The 1949 Act defines livestock to mean cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, fish used for food, and other animals designated by the Secretary of Agriculture (at the Secretary's sole discretion). Pheasants and other game birds are not normally kept in a domestic environment. These avian animals, unlike other eligible livestock species, are normally released for hunting and gaming purposes or otherwise kept for sporting or other purposes. Therefore, it has been determined that pheasants and other gaming birds will not be included as eligible livestock or poultry.

3. There were a total of 2 comments expressing concern about the daily feed allowance which was established by CCC for use in determining whether a producer has suffered a loss of production. One comment stated that the feed allowance should be adjusted according to weather conditions and submitted data showing that beef cattle need more total digestive nutrients for maintenance in colder climates than in warmer climates. Under the provisions of the interim rule, no adjustments in daily feed allowances are permitted relative to the section of the country or climatic conditions applicable to the producer.

While it is not feasible to base feed allowance adjustments according to weather conditions in certain parts of the country, it has been determined that there should be an upward adjustment made in the daily allowance per animal unit. Previous studies and evaluations done by USDA personnel concluded that 10 pounds of feed per day per animal unit was sufficient to maintain livestock through a disaster period, taking into consideration that the purpose of the livestock feed program is to maintain the affected livestock and not provide a tool for the livestock to be prepared for market by the producer through benefits derived from this program. However, because of improved techniques developed by industry and farmers in breeding, animal husbandry, identification of daily nutritional requirements, better analysis of energy contained in feeds, and related matters it has been determined that the 10 pounds feed grain equivalent FGE per day per animal unit shall be increased to 12.5 pounds (FGE) per day per animal unit or such lesser amount as determined by the State or county Agricultural Stabilization and Conservation (ASC) committee effective beginning with the 1989 crop disaster provided the producer elects to take the appropriate option provided in this part.

Another comment stated that livestock producers with both swine and cattle should not be put in the position where surplus hay restricts eligibility for emergency assistance for swine. Under the provisions of the interim rule, CCC reduces a swine producer's total feed allowance by taking into consideration any hay or pasture on hand if the producer has one or more animals that will consume the type of feed available. However, it has been determined that beginning with the 1989 crop disaster the producer with swine and/or poultry and grazing livestock will be given the option to designate whether the grazing livestock shall be included on the application for assistance in accordance with this part.

4. There were 2 comments expressing concern that transportation charges are not included as part of cost share when the charge is shown as a separate item on the producer's bill presented to the county Agricultural Stabilization and Conservation Service (ASCS) office for cost-share assistance. Under the provisions of the interim rule, the transportation cost is included as a cost-share item based on the point of delivery of the eligible feed. If the transportation cost is included as part of the bill submitted for cost share, then transportation is included. If the transportation cost is listed separately, it is not a cost-share item. Under the provisions of the 1949 Act, a producer is not reimbursed for the cost of the transportation of grain under the cost-share provisions, hence, it has been determined that it would not be consistent to provide for transportation cost to be included as a cost-share item as requested by these two commentors. For these reasons, it has been determined not to change these provisions of the interim rule.

5. There were 2 comments expressing concern that the transportation of livestock should be included as part of the livestock feed programs. Under the provisions of the 1949 Act, the Secretary of Agriculture determined not to implement this discretionary livestock transportation program. The 1949 Act provides in part that the Secretary of Agriculture may make available a livestock transportation program to producers not to exceed 50 percent of the cost of transporting livestock to and from grazing locations. It has been determined that with the present emergency livestock assistance programs, implementation of such a

transportation program is not needed. Therefore, it has been determined not to include a livestock transportation program as a part of this final rule at this time but, rather, CCC will develop regulations which set forth the terms and conditions of such a program at such time as it is determined a livestock emergency exists which would warrant the implementation of such a program.

6. There were 3 comments expressing concerns that water projects were not included as part of the emergency livestock feed assistance programs. The comments stated that a program should be implemented because the current cost-share program on water projects have limited funding and time constraints. The comments include the statement that current water cost-share projects must be approved before construction can take place. They also stated that without cost share for water projects, water availability will be a much greater threat to next year's growing season. Under the provisions of the 1949 Act, the Secretary of Agriculture determined not to implement this discretionary provisions.

As noted above with respect to the implementation of the cattle transportation assistance provision of the 1949 Act, regulations regarding this special water project provision will be published at such time as it is determined that a livestock emergency exists which necessitates the implementation of such a program. The current emergency conservation program provides assistance to the producer for livestock water projects.

7. There were 5 comments stating that bees should be included as eligible livestock. These comments express concern that clover, alfalfa, and sunflower that normally produce the major honey crop were severely drought affected, and that there is an average number of pounds of honey per hive that would provide the basis for loss determination related to a bee producer's eligibility. They also stated that bees are a vital part of many facets of agriculture and without pollination by bees many crops would be nonexistent. The 1949 Act defines livestock to mean cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, fish used for food, and other animals designated by the Secretary of Agriculture (at the Secretary's sole discretion). Bees are not considered as eligible livestock. In addition, generally beekeepers do not produce feed on their farms for their bees. Therefore, they do not have the qualifying losses of production required for eligibility under the 1949 Act. For this reason, it has been determined not to include bees as eligible livestock.

8. There was 1 comment expressing concern that the definition of "premix" and "supplemental feed" as defined in the interim rule should be expanded. The comment stated that the current definition of "premix" limits the scope of the term and excludes certain practical, recognized uses of premix feed products. The comment suggested that the term "premix" be defined as a specialized mixture of vitamins, minerals, and other nutrients (which can be) included in complete feeds and dry and liquid supplemental feeds. The comment suggested that the term "supplemental feed" be defined as a feed used with another to improve the nutritive balance of performance of the total and intended to be: (1) Fed undiluted as a supplement to other feeds; (2) offered free choice with other parts of the ration separately available; or (3) further diluted and mixed to produce a complete feed. These comments have been adopted in part.

This final rule amends the interim rule to change the current definition of "premix" to be a formulation of one or more microingredients, such as vitamins, minerals, drugs, or other ingredients when one type of ingredient is evenly mixed with one or more other ingredients or a carrier. This final rule also amends the interim rule to change the definition of dry supplemental feed to be a dry feed ingredient, or combination of dry feed ingredients, derived as by-products from processing food and feed grains, oil seeds, meat, fish, citrus, sugar beets, and dairy products that are needed to balance or improve performance of the total feed ration.

Certain antibiotics, emulsifiers, hormones, minerals, and vitamins may be included. As a result of these changes producers can receive cost share on the kinds and types of feeds that best suit the producer's needs.

9. There were 2 comments expressing concern about the gross revenue limitation in the livestock feed programs. One comment strongly opposed this provision and believes it should not serve as the precedent for program eligibility for any program. Another comment, while not opposing a gross income threshold, suggested that the cost of purchased livestock should be subtracted from gross income before applying the $2.5 million test. Secondly, this person suggested that many farmers, feeders, and cattlemen made sound business and management decisions during the early summer of 1988 by enrolling in the existing feed assistance programs. At that time, the law did not provide for the limitation. The comment asked that these persons not be subject to the limitation. The 1949 Act provides that a person that has qualifying gross revenues in excess of $2,500,000 annually, as determined by the Secretary of Agriculture, shall not be eligible to receive any livestock feed program benefits. The 1949 Act also provides that the term "qualifying gross revenues" means: (1) If a majority of the person's annual income is received from farming and ranching operations, the gross revenue from the farming and ranching operations; and (2) if less than a majority of the person's annual gross revenue is received from all sources. It has been determined that there is no discretion in adopting this provision, accordingly the recommendation of these commentors cannot be adopted. This provision of the interim rule is amended, however, to clarify the manner in which 7 CFR parts 795 and 1497 are applicable to the provisions of 7 CFR part 1475 when the gross income determination is made for a person.

Since CCC has determined to make changes in these regulations, for the 1989 and subsequent crop disasters, CCC has determined to allow producers the option to receive assistance under one of two options. The first option is the program set forth in the interim rule, while the second option sets forth the program which contains the changes made in response to comments to the interim rule. These provisions, generally, are set forth at 7 CFR 1475.6(c), accordingly, the two options are as follows:

Option 1

A. Any loss of production otherwise computed will be reduced and feed on hand increased due to the receipt of other government benefits, including FCIC crop insurance indemnity payments with respect to feed normally grown by the owner.

B. The daily feed allowance will be 10 pounds of FGE per day per animal unit.

C. The cost-share rate will be 50 percent of the cost of purchased eligible feed not to exceed five cents per pound FGE.

D. All eligible livestock of the producer shall be taken into consideration in the application for assistance under this part.

Option 2

A. Any loss of production otherwise computed will be reduced and feed on hand increased due to the receipt of other government benefits, except FCIC

crop insurance indemnity payments with respect to feed normally grown by the owner.

B. The daily feed allowance will be 12.5 pounds of FGE per day per animal unit.

C. The cost-share rate will be 42.5 percent of the cost of purchased eligible feed not to exceed five cents per pound FGE. If the producer elects to purchase CCC-owned grain the remaining allowance will be reduced by the result of multiplying the pounds of feed grain purchased times 1.176.

D. With respect to the producers with grazing livestock and any one or more of the following types of animals: Swine, poultry or fish, eligible livestock that do not normally graze or use forage will be considered separately in the application for assistance under this part.

Those producers electing this option will qualify for an increase in daily allowance per eligible animal unit from 10 pounds FGE to 12.5 pounds FGE at a reduced cost-share rate. This increase in daily allowance will increase the number of producers who are eligible for assistance and may increase the amount of assistance for those producers who are already eligible to receive assistance under this part. If the producer elects to use this option, reducing the cost share percentage to 42.5 percent, not to exceed 5 cents per pound, should not substantially affect the payments received by producers for purchased feed if the producer's assistance is based on feed needs.

This final rule provides at 7 CFR 1475.6(c) that for all applications filed for 1988 livestock crop year losses, the livestock producer's application must be computed using the criteria as originally set forth in this part.

This final rule provides at 7 CFR 1475.6(c) that for new and existing applications filed for the livestock feed programs for 1989 and subsequent years' livestock feed crop losses, the livestock producer shall have the option to select one, and only one, of the two options made available under this part.

This final rule also incorporates the provisions in the 1949 Act, as amended by the Disaster Assistance Act of 1989, which provide, at the option of the livestock producer, that a producer who is eligible to receive donated CCC-owned grain or to purchase CCC-owned grain may receive this assistance through the use of feed grain stored on the farm of the livestock producer that has been pledged as collateral for a price support loan made under the provisions of the 1949 Act. Accordingly, 7 CFR 1475.103 and 1475.202 are amended to reflect this change.

Based upon a review of the comments received and other changes, it has been determined that the interim rule should be adopted as a final rule with these changes. In addition, other changes are also made for clarity.

The information collection requirements of this subpart has been approved by the Office of Management and Budget (OMB) for the purposes of the Paperwork Reduction Act and OMB Number 0560–0029 has been assigned to 7 CFR part 1475.

Final Rule

Accordingly, the interim rule published on October 14, 1988, is adopted as a final rule with the following changes:

PART 7—EMERGENCY LIVESTOCK ASSISTANCE

1. The authority citation for 7 CFR part 1475 is revised to read as follows:

Authority: 7 U.S.C. 1421, 1427 and 1471–1471j; 15 U.S.C. 714b and 714c.

2. Section 1475.1 amended by revising the third sentence to read as follows:

§ 1475.1 General statement.

* * * These programs also provide feed assistance to eligible livestock owners for the preservation and maintenance of livestock in any county contiguous to a county that has implemented the livestock feed programs until the last day of the eighth month following the month that the livestock feed programs were implemented in the other county. * * *

3. Section 1475.3 Definitions is amended as follows:

a "Animal unit" is amended by revising paragraphs (3), (4), (6), (7), and (9);

b. "Dairy cow" is revised;

c. "Daily allowance" is revised;

d. "Dry supplemental feed" is added;

e. "Eligible livestock" is revised;

f. "Equine animals" is amended by revising paragraph (1);

g. "Feeding period" is revised;

h. "Liquid supplemental feed" is added;

i. "Owner" is amended by revising the first three sentences;

j. "Premix" is revised;

k. "Substantial loss of production" is amended by revising paragraph (2);

§ 1474.3 Definitions.

* * * * *

Animal unit * * *

(3) 1.00 unit-cattle, beefalo, buffalo, horses, or mules 1 year old or older;

(4) .50 unit-cattle, beefalo, buffalo, horses, or mules, six months old to 1 year old, donkeys 6 months old or older, and swine 1 year old or older;

* * * * *

(6) .20 unit-swine less than 6 months old and sheep and goats 1 year old or older;

(7) .14 unit-lambs or kids under 1 year old;

* * * * *

(9) .02 unit-turkeys, geese, chickens and ducks weighing less than 8 pounds.

Dairy Cow means a bovine animal which is owned or leased for the purpose of producing milk and has produced at least 1 calf.

* * * * *

Daily allowance means for all livestock, except fish for food, 10 pounds or 12.5 pounds of FGE per day per animal unit as provided in § 1475.6 of this subpart, or lesser amount as determined by the State or county ASC committee, except that for the 1989 and subsequent years' livestock feed crop losses due to a natural disaster, the producer may elect to take one and only one of the options available.

* * * * *

Dry supplemental feed means a dry feed ingredient, or combination or dry feed ingredients, derived as by-products from processing feed and feed grains, oil seeds, meat, fish, citrus, sugar beets, and dairy products that are added to other dry feed materials to improve the nutritional balance or performance or the total feed ration. Antibiotics, emulsifiers, hormones, minerals, and vitamins, as determined and announced by CCC are also included.

* * * * *

Eligible livestock means beef and dairy cattle, sheep, goats, swine, poultry (including egg producing poultry), equine animals used for food or in the production of food, and fish used for food. * * *

* * * * *

Equine animals * * *

(1) Used commercially for human food, or

* * * * *

Feeding Period Means

(1) For all livestock, except fish for food, the period beginning on the later of the date of application for assistance or the authorization of the implementation of the program and ending on the earlier date of when feed becomes available, or the end of the livestock feed program crop year, or the end of the grazing period if pasture (including wheat pasture) is the only crop produced.

(2) For fish for food the feeding period means beginning on the later of the date

of the application for assistance, or the authorization for implementation of the program and ending on the earlier of the estimated date the producer intends to harvest the fish, or the anticipated date when water temperature in the pond is expected to be 54 degrees Fahrenheit or less, and or the current feeding period established for other eligible livestock if other livestock are included on the application, or the end of the livestock program crop year.

* * * * *

Liquid supplemental feed means that which contains protein urea or other non-protein nitrogen, minerals, and vitamins that are added to molasses or other liquids resulting in a product that is mixed, handled, and fed in a liquid form. They may also include such products as emulsifiers for fat, certain antibiotics, and hormones.

* * * * *

Owner means the person who is actively engaged in farming as determined in accordance with part 1497 of this chapter, who receives 10 percent or more of the owner's total gross income from the production of grain or livestock or the person who jointly owns the eligible livestock to be fed with the eligible feed which is to be purchased or acquired through donation in accordance with this part or with respect to which cost-share assistance is provided in accordance with this part. A person who pledges livestock as security for a loan shall be considered as the owner for the purpose of this part if all other requirements of this part are met. Notwithstanding any other provisions of this section, livestock leased under a contractual agreement which has been in effect at least three months for poultry or fish and six months for other livestock on the date of application for assistance under this part requires the lessee to furnish the feed for such livestock and provides for a beneficial interest in such livestock such as the right to market a share of the increase shall be considered as being owned by the lessee. * * *

* * * * *

Premix means a formulation of one or more microingredients, such as vitamins, minerals, drugs, or other ingredients when one type of ingredient is evenly mixed with one or more other types of ingredients or with a carrier. One vitamin mixed together solely with another kind of vitamin, or one mineral mixed together solely with another kind of mineral is not considered a premix.

* * * * *

Substantial Loss of Production * * *

(2) Farming practices not recognized as being normal in the area shall not be included in determining a substantial loss of production. Loss of feed production on crop land leased by the producer, under a new lease, after the beginning of the livestock feed program crop year shall not be included in determining a substantial loss of production unless otherwise allowed by CCC. Loss of feed production on pasture land leased by the producer, under a new lease, less than 90 days before filing of the CCC–642 by the producer shall not be included in determining a substantial loss of production unless otherwise allowed by CCC.

* * * * *

4. Section 1475.4 is amended by revising the introductory text of paragraph (a) and revising paragraphs (a)(4) and (d) to read as follows:

§ 1475.4 Program availability.

(a) Whenever the Governor of a State determines that a livestock emergency due to a natural disaster exists in a State, or an area of the State, or a County ASC committee determines that such an emergency exists in the county or area within the county the Governor or the county ASC committee may submit a request for a determination by the Secretary of Agriculture, of a livestock emergency in the State, county, or area thereof and for emergency livestock feed assistance under this part. A determination that a livestock emergency exists due to natural disaster may also be made for a State, county, or area thereof by the Secretary of Agriculture whether or not a request for assistance is submitted. The request of a Governor or county ASC committee for a livestock emergency determination and for emergency livestock feed assistance may include recommendations to the Secretary of Agriculture those options that will fully use feed available through local sources. The request submitted by the county committee for a livestock emergency determination must be submitted to the State committee and must contain:

* * * * *

(4) A report by the county committee and a State committee representative stating existing production conditions;

* * * * *

(d) Owners in any county contiguous to a county that has been designated as a livestock emergency county and has implemented the livestock feed programs shall have until the last day of the eighth month following the month that the other county implemented the livestock feed programs to be eligible to apply for emergency livestock assistance under this part.

5. Section 1475.6 is amended by revising paragraphs (c)(2) and (3)(i); adding paragraph (c)(3)(iii), revising paragraph (d)(5); revising paragraphs (e)(12) and (14); revising paragraphs (g)(1)(i)(A) and (ii); revising paragraphs (g)(2)(i) and (ii); revising paragraph (h)(4) to read as follows:

§ 1475.6 Application and approval.

* * * * *

(c) * * *

(2) All applications for assistance due to production losses because of a livestock emergency determined to exist prior to January 1, 1989, shall be filed for payment or benefit on or before March 31, 1989. Any determination of eligibility and assistance for applications filed for 1988 crop year production losses because of a livestock emergency shall be based on the following:

(i) Any loss of production computed shall be reduced and feed on hand increased due to the receipt of other government benefits, including FCIC crop insurance indemnity payments less premiums with respect to feed normally grown by the owner;

(ii) A daily feed allowance of 10 pounds of FGE per day per animal unit;

(iii) A cost-share rate of 50 percent of the cost of purchased eligible feed not to exceed five cents per pound FGE;

(iv) All eligible livestock in the application for assistance under this part.

(3) * * *

(i) Applications must be filed prior to January 1, of the calendar year following the year in which the livestock emergency occurred; and

* * * * *

(iii) All 1989 and subsequent crop years' applications may be computed at the producer's option by using the provision in paragraph (c)(2) of this section or the following provisions:

(A) Any loss of production otherwise computed shall be reduced and feed on hand increased due to the receipt of other government benefits, except FCIC crop insurance indemnity payments with respect to feed normally grown by the owner;

(B) A daily feed allowance of 12.5 pounds of FGE per day per animal unit;

(C) A cost-share rate of 42.5 percent of the cost of purchased eligible feed not to exceed five cents per pound FGE;

(D) The producer with swine, poultry or fish and grazing livestock shall have the option to include only eligible livestock that do not normally graze or

use forage, in the application for assistance under this part; and

(E) A producer who elects to purchase CCC-owned feed grain will have the remaining allowance on the application reduced by the result of multiplying the amount of CCC-owned grain purchased times 1.176.

(d) * * *

(5) Any loss of production otherwise computed shall be reduced due to the receipt of other government benefits, except as provided in paragraph (c)(3)(iii)(A)–(E) of this section for FCIC crop insurance indemnity payments and 1988 and 1989 crop disaster payments which are paid the owner with respect to livestock feed normally grown by the owner provided.

(e) * * *

(12) Any prior or current year feed sold or delivered for sale during the current crop year including any current year grain pledged as collateral for a CCC price support loan;

* * * * *

(14) Except as otherwise provided in this section, any other feed that may be determined by approving officials in accordance with instructions issued by DASCO including adjustments based upon other government benefits such as crop disaster payments except for 1988 and 1989 crop years which are paid to the owner.

(i) FCIC indemnity payments less the premium, if applicable in accordance with the election made by the producer under paragraph (c) of this section; and

(ii) Crop disaster payments which are paid to the owner except for 1988 and 1989 crop years, if applicable in accordance with the election made by the producer under paragraph (c) of this section; and paragraph (c)(3)(iii)(A)–(E) of this section.

* * * * *

(g)(1)(i) * * *

(A) The smaller of 12.5 or 10 pounds per day per animal unit, as applicable in accordance with paragraph (c) of this section, or a lesser quantity determined to be adequate by the State or county committee, times

* * * * *

(ii) The net feed allowance determined with respect to an owner shall be the gross feed allowance less the total quantity of feed available including feed grain, hay, silage, pasture and range converted to FGE and any other source of feed determined by the appproving official to be available to the owner for feeding eligible livestock during the feeding period.

* * * * *

(2) * * *

(i) Determining the estimated average weight of the fish at the time of application;

(ii) Determining the estimated average weight of the fish on the ending date of the feeding period.

* * * * *

(h) * * *

(4) All applications forwarded to a higher authority for consideration shall be accomplished by county and State committee recommendations, as may be applicable. No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and any other information, including knowledge of the county and State committee members concerning the owner's normal operations, shall be taken into consideration in making recommendations and approvals. If information furnished by the owner is incomplete or ambiguous and sufficient information is not otherwise available with respect to the owner's farming operations in order to make a determination as to the owner's eligibility, the owner's application shall not be approved until sufficient additional information is provided by the owner.

* * * * *

6. Section 1475.7 is amended by revising paragraphs (a)(2) and (3) to read as follows:

§ 1475.7 Adjustment of total allowance.

(a) * * *

(2) If there is an increase or a reduction in the number of the owner's eligible livestock, this fact shall be promptly reported to the approving official and such official shall make an adjustment in the owner's net allowance. This increase or reduction shall be made by revising the net allowance on the application by the result of multiplying the amount of the change in animal units, times the number of days remaining in the feeding period, times the daily allowance. This adjusted net allowance may be further adjusted by the approving official in order to establish a total allowance which the approving official determines to be adequate. After adjusting the net allowance and recomputing the total allowance, the county ASCS office shall notify the owner of the current total allowance.

(3) If, due to a change in total allowance, an excess amount of assistance was provided to the owner, the owner must refund such excess including applicable interest as determined in accordance with § 1475.16 of this subpart.

* * * * *

7. Section 1475.8 is amended by revising (d)(1)(i) to read as follows:

§ 1475.8 Disposition of feed.

* * * * *

(d)(1) * * *

(i) With respect to purchased CCC-owned feed grain, the difference between the price paid for such feed grain and the posted county price thereof, on the date the payment was received, or such other value as determined by CCC, based on the price of such type of feed grain sold in the county where the application was made; and

* * * * *

8. Section 1475.9 is revised to read as follows:

§ 1475.9 Termination and suspension of program.

The county committee may at any time during the operation of the program recommend suspension or termination of the program. The State committee may at any time during the operation of the program suspend or terminate the program with the concurrence of DASCO. DASCO may suspend or terminate the program at any time. The suspension or termination of the program in a county shall not apply to any assistance approved prior to the effective date of the suspension or termination of the program. Producers who filed an initial application prior to the termination of the program shall be eligible to file subsequent applications.

§§ 1475.12 through 1475.20 [Redesignated]

9a. Sections 1475.12 through 1475.20 are redesignated as follows:

Old section	New section
1475.12	1475.13
1475.13	1475.14
1475.14	1475.15
1475.15	1475.17
1475.16	1475.18
1475.17	1475.19
1475.18	1475.20
1475.19	1475.21
1475.20	1475.22

9b. New § 1475.12 is added to read as follows:

§ 1475.12 Assignments of payments

Payments which are earned by a producer under the livestock feed programs may be assigned in accordance with the provisions of 7 CFR part 709.

10. New § 1475.16 is added to read as follows:

§ 1475.16 Refunds to CCC.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under this part, and if any refund of a payment of CCC shall otherwise become due in connection with this part, all payments made under this part to any person shall be refunded to CCC, together with interest and late payment charges as provided for in this paragraph.

(b) Any person who receives benefits in accordance with this part, who has been determined to be ineligible to receive such payments shall be jointly and severally liable for any refund, including related charges, which is determined to be due CCC for any reason under the terms and conditions of this part.

(c) Interest shall be charged with respect to any refund which is determined to be due CCC because of actions on the part of the producer as provided in part 1403 of this chapter, at the interest rate applicable to CCC Commodity loans on the date the payment or benefit was received until such time as late-payment charges become applicable, shall accrue from the date of the disbursement by CCC or with respect to benefits made in accordance with this part, the date payment was received for the grain shall accrue from the date of such disbursement or payment was received. Late-payment charges shall be assessed in accordance with the provisions of part 1403 of this chapter.

11. Newly designated § 1475.20(b) is revised to read as follows:

§ 1475.20 Benefits limitation.

* * * * *

(b) (1) Notwithstanding paragraph (a) of this section, for the 1988 calendar year only, the amount of assistance received by a person, as defined in part 1497 of this title, shall be determined based on the date of sale as shown on the sales receipt for such assistance.

(2) For persons who applied for assistance under this part prior to August 26, 1988:

(i) All receipts with a date of sale between August 26, 1988, and January 1, 1989, which is paid during calendar year 1988 shall be subject to the $50,000 limitation for calendar year 1988;

(ii) All receipts with a date of sale on or after August 26, 1988, which is paid after January 1, 1989, shall be subject to the $50,000 payment limitation for the calendar year in which the payment is made; and

(iii) All receipts with a date of sale prior to August 26, 1988, shall not be subject to payment limitation regardless of when the payment is made.

(3) For persons who applied for assistance under this part on or after August 26, 1988, for the purposes of applying the maximum payment limitation provision for a calendar year, all assistance made on the basis of submitted sales receipts shall be deemed to have been paid in the calendar year in which the cost-share payment is processed.

* * * * *

12. Newly designated § 1475.22 is revised to read as follows:

§ 1475.22 Paperwork Reduction Act assign numbers.

The information collection requirements contained in these regulations (7 CFR part 1475) have been approved by OMB under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560–0029.

Subpart—Livestock Preservation Donation Program

13. Section 1475.101 is amended by revising paragraph (b) to read as follows:

§ 1475.101 General statement.

* * * * *

(b) In order to be eligible to participate in the program, an owner of livestock must have suffered a substantial loss of current year production of feed and of any purchased feed. The objective of the program is to provide CCC-owned feed grains to livestock owners who are financially unable to purchase feed, or to otherwise participate in any other program authorized under this part. The owner must establish to the satisfaction of the approving official that:

(1) Without assistance the owner's livestock would perish or be sold at distress prices; and

(2) The owner has insufficient cash or credit to buy feed for eligible livestock.

14. Section 1475.102 is amended by renumbering paragraphs (a)(1) through (a)(5), as (a)(2) through (a)(6), respectively and adding a new paragraph (a)(1) to read as follows:

§ 1475.102 Eligibility.

(a) * * *

(1) The livestock owners whose need for replacing and repairing losses of buildings, equipment, supplies, and other related matters will leave insufficient cash or credit to buy feed for livestock.

* * * * *

15. Section 1475.103 amended by revising paragraph (a) and adding paragraph (e) to read as follows:

§ 1475.103 Assistance.

(a) The livestock owner shall establish that the livestock operation and the owner's operation have been so damaged by the disaster that sufficient cash or credit does not exist which may be used to purchase necessary feed grain at present market prices. The owner shall not sell or dispose of in any way, except for feed for the owner's livestock, CCC-donated feed grain. If all donated grain has not been fed by the owner by the end of the emergency period, the owner shall reimburse CCC at a rate equal to the value of the feed grain, as determined by CCC, on the date the feed grain was made available to the livestock owner for any CCC-donated grain which is on hand after the end of the emergency period that exceeds a 10-day supply.

* * * * *

(e) An owner may elect to receive eligible feed grain under the provisions of this subpart from feed grain stored on the livestock owner's farm if such grain has been pledged as collateral for a price support loan. Payment for such feed grain shall be made at the county ASCS office where the loan application was filed. Feed grain purchased by the owner shall not be exchanged for any ingredient, service, cash, credit, or any other thing of value.

Subpart—Emergency Feed Assistance Program

16. Section 1475.202 is amended by renumbering paragraphs (e)(1) and (e)(2) as (e)(2) and (e)(3), respectively; adding a new paragraph (e)(1); revising the third sentence in paragraph (g) and; revising paragraph (h) to read as follows:

§ 1475.202 Sale of CCC-owned grain.

* * * * *

(e)(1) An owner may elect to receive eligible feed grain under the provisions of this subpart from feed grain stored on the livestock owner's farm if such grain has been pledged as collateral for a price support loan. Payment for such feed grain shall be made at the county ASCS office where the loan application was filed. Feed grain purchased by the owner shall not be exchanged for any ingredient, service, cash, credit, or any other thing of value.

* * * * *

(g) * * * With respect to such assistance provided for any livestock emergency determined to occur on or

after January 1, 1989, the sales price of eligible feed grain shall be 50 percent of the posted county price determined by CCC in the county in which the feed grain is stored.

(h) The quantity of feed grain delivered to an owner shall not exceed the total quantity approved for sale by CCC by more than 5 percent. Differences in quantity between the grain delivered to the owner and the quantity of grain described in the delivery order issued to the warehouseman or handler that was removed from the delivery point in excess of 105 percent shall be considered open stocks and shall be settled between the livestock owner and the warehouseman. For any livestock emergency determined to exist prior to January 1, 1989, any excess in quantity of grain delivered to the livestock owner over the quantity of feed grain described in the delivery order issued to the warehouseman or handler between 100 and 105 percent shall be paid by the owner to CCC at 75 percent of the current basic county loan rate established for the commodity in the county in which the feed grain was stored on the date the DF-17 was issued. For any livestock emergency determined to occur on or after January 1, 1989, the differences in quantity between the grain delivered by the livestock owner and the quantity of feed grain described in the delivery order issued to the warehouseman or handler between 100 and 105 percent should be paid by the owner to CCC at 50 percent of the posted county price determined by CCC for the commodity in the county in which the feed grain was stored.

* * * * *

Subpart—Emergency Feed Program

17. Section 1475.302 is amended by revising the first sentence of paragraph (b); revising paragraph (d) (3)(i) and (4)(i) to read as follows:

§ 1475.302 Cost-share assistance.

* * * * *

(b) The rate of cost-share assistance shall be 50 percent or, if applicable, 42.5 percent of the cost of eligible feed not to exceed five cents per pound FGE dependent upon the appropriate option elected by the producer that best suits his livestock operation as provided in § 1475.6(c)(3) of this part. * * *

* * * * *

(d) * * *

(3) * * *

(i) 50 percent or, if applicable, 42.5 percent of the cost of grazing per eligible animal unit per day dependent upon the appropriate option elected by the producer that best suits his livestock operation as provided in § 1475.6 (c)(3) of this part, or

* * * * *

(4) * * *

(i) 50 percent or, if applicable, 42.5 percent of the cost per eligible animal unit per day dependent upon the appropriate option elected by the producer that best suits his livestock operation as provided in § 1475.6 (c)(3) of this part, or

* * * * *

Subpart—Prickly Pear Cactus Burning Program

18. Section 1475.501 is revised to read as follows:

§ 1475.501 General statement.

This subpart sets forth the terms and conditions of the Prickly Pear Cactus Burning Program. This program shall be in effect only upon a determination that a livestock emergency exists in a State, county, or area and it has been announced that this program is in effect. Information regarding the availability of the program in a county may be obtained from State, and county ASCS offices. The objective of the program is to provide cost-share assistance not to exceed 50 percent of the cost of propane, butane, or kerosene used to burn the spines from prickly pear cactus to make it suitable for livestock feed.

19. Section 1475.502 is amended by adding the definition "Kerosene".

§ 1475.502 Definitions.

* * * * *

Kerosene means a flammable hydrocarbon oil obtained by distillation of petroleum and used as a fuel.

* * * * *

20. Section 1475.503 is revised to read as follows:

§ 1475.503 Eligibility

A livestock owner may be approved to participate in the program if the livestock owner has prickly pear cactus on his or her normal holdings, eligible livestock to use the burned prickly pear cactus and executes the certification contained in form CCC-640.

21. Section 1475.504 is amended by revising paragraph (a) to read as follows:

§ 1475.504 Assistance.

(a) The maximum amount of cost-share assistance under this program shall be limited to 50 percent of the cost of butane, propane, or kerosene used to burn the prickly pear not to exceed 14 cents per day per animal unit.

* * * * *

Signed at Washington, DC on October 24, 1989.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 89-25522 Filed 10-27-89; 8:45 am]

BILLING CODE 3410-05-M

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 86-011F]

RIN 0583-AA52

Requirements for Imported Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements the provisions of the Food Security Act of 1985, Public Law 99-198, that amended the Poultry Products Inspection Act (PPIA). The rule amends the poultry products inspection regulations to specifically require foreign countries to implement a residue sampling and testing program at the point of slaughter for poultry and poultry products offered for importation into the United States. The rule also amends the regulations to make clear that all inspection, sanitation, quality, species verification, and residue standards that are applied to imported poultry products must meet the same standards as those applied to poultry and poultry products produced in the United States.

EFFECTIVE DATE: November 29, 1989.

FOR FURTHER INFORMATION CONTACT: Dr. Lawrence Skinner, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-6933.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this rule is not a "major rule." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, and it will not have a significant effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The rule affects countries

eligible to export poultry or poultry products to the United States. Currently, only Canada, France, Hong Kong, Great Britain, and Israel are eligible to export poultry or poultry products to the United States. Each of the five eligible countries has implemented the requirements for residue control and species identity programs for poultry products. On-going review activities by Agency technical experts have confirmed that these programs are in place and operating. Since the requirements are already in place and operating, no economic impacts are contemplated for exporting countries, domestic producers, or importers.

Effect on Small Entities

The Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601), because the requirements have already been implemented by the affected foreign entities.

Background

Section 17 of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 466) prohibits the importation into the United States of slaughtered poultry, or parts thereof, unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food, and unless they also comply with rules and regulations made by the Secretary to assure that imported poultry and poultry products comply with the standards provided for in the Act. The regulations addressing imported poultry or poultry products are contained in 9 CFR part 381, subpart T (9 CFR part 381 *et seq*). In these regulations the Administrator has established procedures by which foreign countries desiring to export poultry or poultry products to the United States may become eligible to do so.

Section 381.196 of the poultry products inspection regulations (9 CFR 381.196) provides that a poultry inspection system maintained by a foreign country, with respect to establishments preparing products in that country for export to the United States, must ensure compliance of such establishments and their poultry products with requirements at least equal to all of the provisions of the PPIA and the regulations that are applied to official establishments in the United States and their poultry products. In addition, these regulations provide for certain other system requirements as a means for FSIS to assure that eligible foreign countries are complying with on-going conditions of eligibility. FSIS has also implemented internal Agency programs to assure that products being offered for importation into this country meet the same standards as products produced and marketed domestically. These programs are described under the section entitled "Continuing Oversight of Eligible Countries."

Export Eligibility Requirements

The Foreign Programs Division, International Programs, of FSIS has primary responsibility for determining that countries producing poultry or poultry products for export to the United States have inspection programs that are designed to assure that all such exports are safe, wholesome, unadulterated and not misbranded and comply with all other provisions of the PPIA and regulations thereunder (9 CFR part 381 *et seq*.).

To determine eligibility, FSIS conducts a complete evaluation of the country's inspection system. The evaluation consists of two major parts: A review of foreign system documents, and an on-site review of the country's inspection system operations. As part of the document review process, a country's laws are evaluated to assure, among other things, that they provide for inspection and certification of the wholesomeness of products intended for export to the United States; that there are adequate controls over ineligible product to prevent its export; and that the country has adequate controls to prevent a person convicted of wrongdoing from being connected with a firm exporting product to the United States. Documents describing the country's poultry inspection program are also reviewed to ensure that it has the legal authority to impose requirements at least equal to those of the United States with respect to the following: (1) Ante-mortem inspection of poultry for slaughter; (2) post-mortem inspection of poultry carcasses and parts thereof at the time of slaughter; (3) official controls by the national government over establishment construction, facilities, and equipment; (4) direct and continuous supervision of slaughter activities and product preparation by the assignment of inspectors to establishments to assure that adulterated or misbranded poultry products are not processed for export to the United States; (5) maintenance of a single standard of inspection and sanitation throughout all certified establishments and complete separation of certified and non-certified establishments; (6) official controls over condemned product; and (7) other matters for which requirements are contained in the Act or regulations thereunder.

If the document review is satisfactory, an on-site review is conducted using a multi-disciplinary team composed, typically, of a review team leader, veterinarian, chemist, engineer and food technologist, to evaluate all aspects of the country's program. The review is designed to fully explore areas determined to require more detailed evaluation and also to allow FSIS to observe the inspection system in its daily operation.

Continuing Oversight of Eligible Countries

Once the poultry inspection system of a foreign country has been certified by the Agency as eligible to export products to the United States, the individual establishments operating within that country desiring to export products to the United States must apply to their national inspection authorities for certification. The chief inspection official of the foreign country must in turn certify to FSIS that each establishment authorized to export products to the United States meets all the applicable standards. This certification is valid for a period of 1 year or less if standards are not maintained. At the beginning of each year, a responsible official of the foreign country must recertify each establishment (9 CFR 381.196(a)(3)).

The daily operation of a certified foreign establishment is similar to the operation of a U.S. domestic establishment. There is routine daily inspection conducted by inspectors authorized by the foreign inspection program. These inspectors conduct inspection of the operations at the foreign establishment including slaughter, sanitation, processing, labeling, and the disposition of inedible and condemned products.

FSIS personnel conduct periodic on-site reviews of foreign inspection systems. The reviews focus on the full spectrum of risks to the production and processing of acceptable poultry products and how the foreign inspection system controls these risks. The on-site system review provides FSIS with continued assurance that the foreign country is maintaining an inspection system that is at least equal to the inspection system of the United States.

The system review includes visits to certified processing and slaughter establishments, and the foreign inspection system's analytical laboratories. Reviewers observe the operations at each site and document

findings regarding the degree of risk of product wholesomeness associated with the activities and practices observed. All poultry and poultry products being exported to the United States are certified by a responsible official of the exporting country's inspection program as safe, wholesome, unadulterated, and properly labeled. The certification is an additional assurance that the products have been prepared under a system that is at least equal to the U.S. domestic system.

FSIS import inspectors reinspect shipments of poultry and poultry products on a sample basis on arrival in the United States to assure that the poultry or poultry products meet the same standards applied to domestic poultry and poultry products. Reinspection of product is directed by FSIS's computerized Automated Import Information System (AIIS) which stores daily reinspection results from all FSIS port of entry (POE) inspection locations, residue and species laboratory sampling histories for each exporting country, and product compliance histories for each exporting plant. The AIIS uses this information to determine the amount of poultry or poultry products to be examined and the specific reinspection procedures to be applied to a particular shipment. POE reinspection can include testing or examination for any combination of the following: species verification, residue levels, mishandling of product, condition of product, appropriate labeling, and compliance with USDA standards of identity or composition.

The POE reinspection is an additional means to assure that the inspection system of a foreign country exporting poultry or poultry products to the United States is functioning properly. Any shipment of poultry or poultry products found unacceptable is refused entry and must be reexported within a prescribed time period or destroyed for human food purposes.

The Food Security Act of 1985

On December 23, 1985, Public Law 99–198, The Food Security Act of 1985, was enacted (hereinafter referred to as the 1985 Farm Bill). Section 1701 of Public Law 99–198 amended section 17 of the Poultry Products Inspection Act (PPIA) (21 U.S.C. 466) to require residue testing and species verification of imported poultry or parts or products. This legislation is comparable to an amendment to the Federal Meat Inspection Act (FMIA) provided by the Agriculture and Food Act of 1981 (Pub. L. 97–98) that mandated residue and species verification for imported meat products.

Section 1701 of the 1985 Farm Bill adds a new subparagraph (d) to section 17 of the PPIA as follows:

(d) (1) Notwithstanding any other provision of law, all poultry, or parts or products thereof, capable of use as human food offered for importation into the United States shall:

(A) be subject to the same inspection, sanitary, quality, species verification, and residue standards applied to products produced in the United States; and

(B) have been processed in facilities and under conditions that are the same as those under which similar products are processed in the United States.

(2) Any such imported poultry article that does not meet such standards shall not be permitted entry into the United States.

(3) The Secretary shall enforce this subsection through:

(A) random inspection for such species verification and for residues; and

(B) random sampling and testing of internal organs and fat of carcasses for residues at the point of slaughter by the exporting country, in accordance with methods approved by the Secretary.

The primary purpose of the legislation was to add a provision to the PPIA that would require foreign countries currently exporting or desiring to export poultry or poultry products to the United States to develop and implement a program for the sampling and testing of residues. This new requirement would apply the requirements for residue testing that were specified in the Food and Agriculture Act of 1981 for imported meat products to imported poultry products.

Comments on the Proposed Rule

Therefore, on May 1, 1987, FSIS published a proposed rule (52 FR 15960) to implement the provisions of the 1985 Farm Bill with regard to requirements for poultry products intended for export to the United States. FSIS received 31 comments in response to the proposed rule: 7 in favor and 24 not in favor. Those commenters in support of the proposed rule included 2 industry members, 3 trade associations, 1 government agency and 1 foreign government agency. Those commmenters not in support of the proposed rule included 14 industry members, 8 Members of Congress, on behalf of one or more of the 14 industry members, and 2 trade associations. The following are the issues raised by the commenters and FSIS's response to each.

Comment: All of the opposing commenters objected to FSIS's interpretation of the language in the Farm Bill which states that a foreign inspection system be "the same as" the United States inspection system before product can be imported. These commenters felt that the phrase should be distinguished from "at least equal to" because the latter phrase would allow for subjective evaluation of foreign country requirements, would permit standards less than those of the United States, would create an unfair competitive advantage for foreign poultry products and would result in inferior products entering the United States.

Response: As a result of the legislation, the PPIA does provide that imported poultry and poultry products must comply with certain standards which are "the same as" those applicable to products produced in the United States. However, this does not mean that all the regulations of a foreign country must be precisely, word for word, "the same as" those in the United States. In our view, the Act does not prohibit a foreign country from having requirements more stringent than those applicable to products produced in the United States. If a requirement is narrow and specific (e.g., a product standard, maximum water intake level), it can be relatively easy to determine whether the foreign country's requirement is "the same as" ours. However, if our requirement is general and is applied on a case-by-case basis (e.g., facility requirements to preclude adulteration), the requirement can be met by a similarly general requirement. A general requirement permits variations within an established framework. FSIS applies "the same as" requirement by assessing whether the alternative procedures, even if they employ different inspectional techniques, are at least equal to the requirements applicable to domestically produced product. That is, the means of achieving products the same as ours in a foreign country will, in some respects, vary from the means employed in the United States. Interpretation of the law in this way provides the only reasonable basis for comparing inspection systems, since literal application of the term "the same as" would prohibit all imports of poultry products from foreign countries and would be nothing more than a non-tariff trade barrier. The USDA presently recognizes the poultry inspection systems in five countries (Canada, France, Israel, Great Britain and Hong Kong). Again, literal application of the term "the same as" would require the USDA to withdraw its recognition of those countries' eligibility to ship poultry and poultry products to the United States. USDA does not believe it was the intent of Congress that such action be taken.

These foreign inspection systems have evolved in widely varying cultural and political environments under various animal health, public health and food production circumstances. This has resulted in a variety of specific procedures and processes used in maintaining national inspection controls. The quality of the finished product is what is important and decisive. Nonetheless, there are certain features that any system must have to be considered "the same as" ours. These basic requirements are currently in FSIS regulations (9 CFR 381.196).

Comment: One commenter stated that the language in the proposed § 381.196(a)(2)(iv)(c) was not as comprehensive as the wording contained in the preamble. As such, the commenter felt that foreign countries could choose not to "identify" substances for testing in their annual residue testing plan.

Response: Each country is required to provide comprehensive details of its poultry production practices, including the drugs and compounds used. FSIS technical experts review this information and each country's annual residue testing plan. If FSIS identifies a compound that should be included in the testing plan, but is not, FSIS will request that the country include the compound in its residue testing plan.

Final Rule

For the reasons discussed in the preamble, FSIS is amending § 381.196 of the poultry products inspection regulations (9 CFR part 381) to clarify that the inspection, sanitation, quality, species verification, and residue standards applied to foreign poultry or parts or products offered for importation into the United States must meet the same standards applied to domestic poultry products. Section 381.196 is further amended to require each foreign country desiring to establish or maintain eligibility for the importation of poultry or poultry products into the United States to implement a residue program. Such program must provide for the point-of-slaughter random sampling of carcasses, including the internal organs and fat, of poultry intended to be offered for importation into the United States and the testing of such carcasses, internal organs, and fat, for the presence of residues of substances known to be in use in the production of poultry and poultry products in the particular exporting country or otherwise known to be present in the environment of such country. Identification of such substances is the responsibility primarily of the authorities of the exporting country. However, FSIS, as part of its obligation to assure that imported poultry and poultry products meet the same standards applied to such domestic products, may request testing for residues of additional specific substances. Residue testing would be conducted in accordance with methods approved by the Administrator.

FSIS currently has regulations which prohibit the importation of product that is adulterated, misbranded, or does not comply with the requirements applicable to domestically produced products (9 CFR 381.195 and 381.196). Further, as stated earlier, FSIS has established programs to assure that poultry or poultry products being offered for importation meet the same standards as such products produced and marketed domestically. These programs now include the random sampling of imported poultry and poultry products at the point of entry to check for species identity and residue tolerance levels. Authority to take samples for laboratory examinations from poultry or poultry products offered for importation is provided in 9 CFR 381.199(b).

FSIS did not propose additional regulations under the 1985 Farm Bill concerning the provisions of the Act that would: prohibit imported poultry or poultry products not meeting U.S. standards from entering the United States; and impose mandatory random inspection for species verification on products offered for importation, because any such additional regulations would be a duplication of existing provisions.

List of Subjects in 9 CFR Part 381

Food labeling, Imports, Poultry and poultry products.

Accordingly, FSIS is amending the poultry products inspection regulations in 9 CFR chapter III as set forth below:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended (21 U.S.C. 451 *et seq.*), 76 Stat. 663 (7 U.S.C. 450 *et seq.*), 99 Stat. 1633, unless otherwise noted.

2. Section 381.196(a)(2)(i) is amended by redesignating the present paragraph (a)(2)(i)(*f*) as paragraph (a)(2)(i)(*g*) and by adding a new paragraph (a)(2)(i)(*f*) to read as follows:

§ 381.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) * * *
(2) * * *
(i) * * *

(*f*) The inspection, sanitation, quality, species verification, and residue standards applied to products produced in the United States.

* * * * *

3. Section 381.196 is amended, for the sake of clarity, by revising paragraph (a)(2)(iv) to read as follows:

§ 381.196 Eligibility of foreign countries for importation of products into the United States.

(a) * * *
(2) * * *

(iv) The foreign inspection system must maintain a program to assure that the requirements referred to in this section, at least equal to those applicable to the Federal system in the United States, are being met. The program as implemented must provide for the following:

(*a*) Periodic supervisory visits by a representative of the foreign inspection system not less frequently than one such visit per month to each establishment certified in accordance with paragraph (a)(3) of this section to assure that requirements referred to in paragraphs (a)(2)(ii)(*a*) through (a)(2)(ii)(*h*) of this section are being met: *Provided,* that such visits are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States;

(*b*) Written reports prepared by the representative of the foreign inspection system who has conducted a supervisory visit, documenting his or her findings with respect to the requirements referred to in paragraphs (a)(2)(ii)(*a*) through (a)(2)(ii)(*h*) of this section, copies of which shall be made available to the representative of the Department at the time of the representative's review upon request by that representative to a responsible foreign inspection official: *Provided,* that such reports are not required during a period when the establishment is not operating or not engaged in producing products for exportation to the United States.

(*c*) Random sampling and testing at the point of slaughter of carcasses, including internal organs and fat, for residues identified by the exporting country's inspection authorities or by this Agency as potential contaminants, in accordance with sampling and analytical techniques approved by the Administrator: *Provided,* that such testing is required only on samples taken of carcasses from which poultry or poultry products intended for

importation into the United States are produced.

* * * * *

Done at Washington, DC, on October 25, 1989.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 89-25473 Filed 10-27-89; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

Regulations G, T, U and X; Securities Credit Transactions; List of Marginable Over-the-Counter Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published four times a year by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List which was effective August 14, 1989, and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: November 13, 1989.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202)452-2781. For the hearing impaired only, Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202)452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. This supersedes the last List which was effective August 14, 1989. Additions and deletions for that List were published on August 1, 1989 (54 FR 31646). A copy of the complete List incorporating these additions and deletions is available from the Federal Reserve Banks.

The List of Marginable OTC Stocks includes those stocks that meet the criteria in Regulations G, T and U (12 CFR parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The List also includes any stock designated under a Securities and Exchange Commission (SEC) rule as qualified for trading in the national market system (NMS security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their NMS designation. The names of these stocks are available at the Board and the SEC and will be incorporated into the Board's next quarterly List.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6(a) and (b), 220.17(a) and (b), and 221.7(a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a 2-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6(c) (Regulation G), 12 CFR 220.2(s) and 220.17(c) (Regulation T), and 12 CFR 221.2(j) and 221.7(c) (Regulation U), there is set forth below a listing of deletions from and additions to the Board's List of Marginable OTC Stocks:

Deletions From the List of Marginable OTC Stocks

Stocks Removed For Failing Continued Listing Requirements

Advanced Computer Techniques Corporation
$.10 par common
American Capacity Group, Inc.
$1.00 par common
Andover Controls Corporation
$.01 par common
Bayly Corporation
$1.00 par common
Bishop, Incorporated
$.10 par common
Brown Transport Company, Inc.
$.10 par common
Challenger International, Ltd.
$.01 par common
Colorocs Corporation
Class C, warrants (expire 08-18-89)
Comstock Group, Inc.
$.25 par common
Crazy Eddie, Inc.
$.01 par common
Cronus Industries, Inc.
Warrants (expire 02-01-90)
Cytrx Corporation
$.001 par common Warrants (expire 11-09-91)
Datavision, Inc.
$.01 par common
Diversified Foods, Inc.
$.003 par common
Domain Technology, Incorporated
$.01 par common
Edgcomb Corporation
$1.50 par common
El Pollo Asado, Inc.
No par common
Equity Bank, The
No par common
Falconbridge Limited
No par common
First Capitol Financial Corp.
$.01 par common
Forum Re Group (Bermuda) Ltd.
$.40 par capital
George Washington Corporation
$1.00 par common

GMI Group, Inc.
$.01 par common
Great American Corporation
$2.50 par common
Hi-Port Industries, Inc.
$.05 par common
Higby's, J., Inc.
$.01 par common
Home Savings Association of Penna.
$1.00 par common
Interferon Sciences, Inc.
$.01 par common
International Mobile Machines Corporation
Warrants (expire 08–05–89)
Landmark American Corporation
$.01 par common
LDDS Communications, Inc.
Warrants (expire 10–13–89)
Machine Technology, Inc.
No par common
Maione Companies, Inc.
No par common
Max & Erma's Restaurants, Inc.
Warrants (expire 10–07–89)
Meridian Bancorp, Inc.
$25.00 par cumulative convertible preferred
Metropolitan Financial Savings & Loan Association (Texas)
$1.00 par common
Mischer Corporation, The
$1.00 par common
National Industrial Bancorp, Inc.
$.01 par common
Ocilla Industries, Inc.
$.01 par common
Pioneer Financial Corp.
Series A, $1.00 par cumulative convertible preferred
Prime Capital Corporation
$.05 par common
QMAX Technology Group, Inc.
$.01 par common
Rabbit Software Corporation
$.01 par common
Rodime PLC
American Depositary Shares for ordinary shares (par value 5 pence)
Sooner Federal Savings and Loan Association
$.01 par common
Stan West Mining Corporation
$.01 par common
Tele-Optics, Inc.
Warrants (expire 08–11–89)
Telecast, Inc.
$.01 par common
Texcel International, Inc.
Warrants (expire 12–15–89)
Twistee Treat Corporation
$.001 par common
United Bankers, Inc.
No par common
Ward Whie Group, PLC
American Depository Receipts
Wholesale Club, Inc., The
No par convertible preferred
Writer Corporation, The
$.10 par common

Stocks Removed For Listing On A National Securities Exchange Or Being Involved In An Acquisition

A.M.E., Inc.
No par common
Actmedia, Inc.
$.01 par common
Aim Telephones, Inc.
$.01 par common
Beecham Group, PLC.
American Depositary Receipts
Bradley Real Estate Trust
$1.00 par shares of beneficial interest
Cambridge Analytical Associates, Inc.
$.01 par common
CB & T Bancshares, Inc.
$1.00 par common
Centel Cable Television Company
Class A, $.01 par common
Chili's, Inc.
$.10 par common
International, Inc.
$.01 par common
Fisher Scientific Group, Inc.
$.01 par common
Fountain Powerboat Industries, Inc.
$.01 par common
Harken Energy Corporation
$1.00 par common
Harlyn Products, Inc.
$.10 par common
Healthsouth Rehabilitation Corporation
$.01 par common
Hemotec, Inc.
Voting, $.01 par common
Imperial Holly Corporation
No par common
Integrated Genetics, Inc.
$.01 par common
Judy's Inc.
$.50 par common
Keane, Inc.
$.10 par common
Local Federal Savings & Loan Association (Oklahoma)
$.01 par common
LSI Logic Corporation
$.01 par common
Micro Mask, Inc.
$1.00 par common
Minnetonka Corp.
$1.00 par common
Monitor Technologies, Inc. CUC
$.01 par common
Nichols-Homeshield, Inc.
$.01 par common
Nodaway Valley Co.
$2.00 par common
Ogilvy Group, Inc.
$1.00 par common
Old Spaghetti Warehouse, Inc.
$.01 par common
Pancretec, Inc.
No par common
Peoples Bancorporation (North Carolina)
No par common
Phonemate, Inc.
$.10 par common
Preferred Risk Life Insurance Company
$1.00 par common
Rockingham Bancorp
(New Hampshire)
$1.00 par common
Satellite Music Network, Inc.
$.10 par common
Scherer, R.P. Corporation
$.33⅓ par common
Southlife Holding Company
$.05 par common
Sterner Lighting Systems Incorporated
$.10 par common
Super Rite Foods, Inc.
$.05 par common
Tylan Corporation
No par common
Ultra Bancorporation
$5.00 par common
View-Master Ideal Group, Inc.
$.01 par common
Wheelabrator Group Inc., The
$.01 par common
Wheelabrator Technologies, Inc.
$.01 par common

Additions to the List of Marginable OTC Stocks

50-Off Stores, Inc.
$.01 par common
Acclaim Entertainment, Inc.
$.02 par common
Class B, warrants (expire 01–30–90)
Allstate Financial Corporation
No par common
Applebee's International, Inc.
$.01 par common
Archer Communications, Inc.
No par common
BEI Electronics, Inc.
$.001 par common
Bizmart, Inc.
$.10 par common
Brite Voice Systems, Inc.
No par common
Calgene, Inc.
$.001 par convertible exchangeable preferred
Cellcom Corp.
$.001 par common
Coca Mines, Inc.
Warrants (expire 05–15–90)
Cognex Corporation
$.002 par common
Crown Resources Corporation
$.05 par common
Digi International, Inc.
$.01 par common
Eagle Food Centers, Inc.
$.01 par common
EFI Electronics Corporation
$.0001 par common
Electronic Arts
No par common
Employee Benefit Plans, Inc.
$01 par common

Enclean, Inc.
$.01 par common
Excalibur Technologies Corporation
$.01 par common
First City Bancorp, Inc.
No par common
First Executive Corporation
Warrants (expire 10–09–92)
Depository Preference Shares (representing one-hundreth of a share Series H preferred)
Genetics Institute, Inc.
$1.00 par convertible exchangeable preferred
Giddings & Lewis, Inc.
$.10 par common
GZA Geoenvironmental Technologies, Inc.
$.01 par common
Heritage Bankcorp, Inc.
$.01 par common
Hotelecopy, Inc.
$.01 par common
Image Bank, Inc., The
$.01 par common
Inbancshares
No par common
International Broadcast Systems, Inc.
Class A, $.10 par common
International Lease Finance Corporation
Warrants (expire 1994)
Lechters, Inc.
No par common
Marine Drilling Company
$.10 par common
New England Realty Associates Limited Partnership
Depository Receipts evidencing units of limited partnership
New Image Industries, Inc.
$.001 par common
Newbridge Networks Corporation
No par common
Novell, Inc.
7¼% convertible subordinated debentures
Nucorp, Inc.
Paired warrants (expire 10–31–90)
Parlux Fragrances, Inc.
$.01 par common
Pioneer Financial Services, Inc.
No par cumulative convertible exchangeable preferred
Pioneer-Standard Electronics, Inc.
9% subordinated convertible debentures
Prime Bancshares, Inc.
$.01 par common
Rally's Inc.
$.10 par common
Security Federal Savings and Loan Association of Cleveland
$.01 par common
Serv-Tech, Inc.
$.50 par common
Southeastern Savings Institutions Fund, Inc., The
$.001 par common
Surgical Laser Technologies, Inc.
$.01 par common
Valley West Bancorp
$2.00 par common
Vanguard Real Estate Fund I, A Sales Commission-Free Income Properties Fund
Shares of beneficial interest
Vencor, Incorporated
$.25 par common
Washington Mutual Savings Bank
$1.00 par preferred stock

By order of the Board of Governors of the Federal Reserve System, acting by its Staff Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)), October 27, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89–25453 Filed 10–27–89; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79–ANE–18; Amdt. 39–6359]

Airworthiness Directives; Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, and –17 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends Airworthiness Directive (AD) 87–14–01, which requires repetitive ultrasonic inspections of second stage fan blades. The amendment requires an additional inspection of the second stage fan blade root attachment straps to detect cracks which have been found by operators in areas of the strap not covered by ultrasonic inspections. The AD is needed to detect cracks in the second stage fan blade root attachment straps which could result in fracture of the blade and subsequent cowl penetration, fire, and aircraft damage.

DATE: Effective—December 11, 1989.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 11, 1989.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable alert service bulletin (ASB) may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457, or may be examined in the Regional Rules Docket, Room 311, Office of the Assistant Chief Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE–141, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7121.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (FAR) to include an AD which amends AD 87–14–01 to require an additional inspection of the second stage fan blade root attachment straps on certain PW JT8D turbofan engines was published in the Federal Register on April 12, 1989, (54 FR 14660).

The proposal was prompted after the FAA received reports of fan blade root attachment strap cracks at the six o'clock (inboard) position on the inside diameter (ID) of the pin hole. These cracks were detected by using a fluorescent penetrant inspection (FPI) and certain eddy current inspection techniques which are not required by AD 87–14–01. The immersion ultrasonic inspection method as required by the AD was not designed to detect cracks at the six o'clock ID pin hole location. Undetected root attachment strap cracks can lead to fan blade fracture and subsequent cowl penetration, fire, and aircraft damage.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Five comments were received concerning the proposed rule.

One commenter has requested the AD state that PW Service Process Operation Procedure (SPOP) 84 is an acceptable FPI alternative to SPOP 82. The FPI procedure stated in PW ASB 5729, Revision 2, dated July 8, 1988, is SPOP 82 and, consequently, is the only FPI procedure allowed by the notice of proposed rulemaking (NPRM).

The FAA disagrees and will not include a provision in the AD to allow SPOP 84 to be used as an alternative to SPOP 82 in the FPI of the ID pin hole surfaces. It has been determined that SPOP 82 is the appropriate FPI procedure. The more sensitive procedure of SPOP 84 would require special surface treatments, such as removal of the antigalling coating. The FAA will review, as stated in paragraph (f) of this AD, any individual request to use SPOP 84. The substantiating data provided must assure that actual crack

indications will not be overlooked as false indications.

Two commenters stated an eddy current inspection of the ID pin hole surfaces should be included in the AD as an alternative inspection to the FPI. Both commenters referenced eddy current inspection techniques which have been approved by the FAA as an alternate method of compliance with AD 87–14–01.

The FAA disagrees since PW ASB 5729, Revision 2, dated July 8, 1988, does not contain accomplishment instructions to perform an acceptable eddy current inspection. The FAA cannot reference a detailed inspection procedure in an AD without providing the necessary data to perform the inspection procedure. Therefore, until the necessary data to perform an eddy current inspection becomes available to the FAA for publication in an AD, operators who desire to use an eddy current inspection must obtain specific FAA approval as stated in paragraph (f) of this AD.

One comment was received stating six o'clock inner surface cracking is not expected to result in fracture. The commenter further stated that this is a low stressed area and the crack should not propagate through the root strap.

The FAA disagrees. Data has not been submitted which substantiates that six o'clock inner surface cracking will not result in root fracture. Two reports have been submitted showing crack propagation through the root strap at the 6 o'clock position.

Accordingly, the proposal is adopted without change.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation involves approximately 4,100 engines (domestic fleet) with a maximum annual cost increase of three hundred thousand dollars beyond the current AD 87–14–01 inspection cost. It has also been determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the proposed rule affects only operators using aircraft in which JT8D engines are installed, none of which are believed to be small entities. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by amending Amendment 39–5641 (52 FR 24138; June 29, 1987), Airworthiness Directive (AD) 87–14–01.

The AD is restated in its entirety for clarity as follows:

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, and –17 turbofan engines.

Compliance is required as indicated, unless already accomplished.

To prevent uncontained second stage fan blade failure, ultrasonically inspect and fluorescent penetrant inspect (FPI) for cracks, and remove as required, second stage fan blades, Part Numbers (P/N) 433802, 645902, 759902, 695932, 676102, and 746402, in accordance with PW Alert Service Bulletin (ASB) 5729, Revision 2, dated July 8, 1988, as follows:

(a) Inspect at the first engine shop visit after July 27, 1987.

(b) Reinspect at each second stage fan rotor disassembly from the low pressure compressor (LPC) after accumulation of 3,000 cycles in service (CIS) since last inspection (SLI), but not to exceed 10,000 CIS SLI.

(c) Remove from service, prior to further flight, second stage fan blades that exhibit crack indications as defined in the requirements of PW ASB 5729, Revision 2, dated July 8, 1988, and replace with serviceable blades.

(d) Report the following information in writing, if a blade is found to be cracked, within 30 days of the inspection to the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; Telex Number 949301 FAANE BURL:

(1) Engine serial number (S/N)

(2) Inspection date

(3) Blade P/N and S/N

(4) Blade total time and cycles (if estimate, so note)

(5) Blade time and cycles SLI

(6) Crack location and size

Information collection requirements contained in this regulation (Section 39.13) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0056.

Notes: (1) Shop visit is defined as the input of an engine to a repair shop with LPC rotor overhaul capability where the subsequent engine maintenance entails the following:

(a) Separation of a major engine flange (lettered or numbered) other than flanges mating with major sections of the nacelle or reverser. Separation of flanges purely for purposes of shipment, without subsequent internal maintenance, is not a "shop visit."

(b) Removal of a disk, hub, or spool.

(2) The ultrasonic inspections accomplished in accordance with AD 87–14–01 and PW ASB 5729, dated January 29, 1987, at the last inspection prior to the effective date of this AD, are considered to be in compliance with the dual inspection requirements of this AD. However, after the effective date of this AD, an FPI must be performed in addition to the ultrasonic inspection, unless otherwise approved by the FAA as stated below.

(e) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(f) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, ANE–140, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

The inspection procedures shall be done in accordance with PW ASB 5729, Revision 2, dated July 8, 1988. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552 (a) and 1 CFR Part 51. Copies may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457. Copies may be inspected at the Regional Rules Docket, Office of the Assistant Chief Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Room 311, Burlington, Massachusetts 01803, or at the Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC 20591.

This amendment becomes effective on December 11, 1989.

This amendment amends Amendment 39-5641 (52 FR 24138; June 29, 1987), AD 87-14-01.

Issued in Burlington, Massachusetts, on September 29, 1989.

Ronald L. Vavruska,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 89-25441 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-AWP-16]

Revision of Transition Area; Santa Rosa, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises and extends the Santa Rosa, California Transition Area. This action provides controlled airspace for the conduct of instrument approach and departure procedures at Lampson Airport.

EFFECTIVE DATE: 0901 u.t.c, December 14, 1989.

FOR FURTHER INFORMATION CONTACT: Daniel K. Martin, System Management Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (213) 297-0166.

SUPPLEMENTARY INFORMATION:

History

On July 24, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations to revise the Santa Rosa, California Transition Area to provide controlled airspace for the conduct of instrument approach procedures (54 FR 30760).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revises the Santa Rosa, California Transition Area to provide controlled airspace for the conduct of instrument approach procedures to Lampson Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition Areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Santa Rosa, California [Revised]

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 38°51'30" N/longitude 123°02'00" W; to latitude 39°15'00" N/longitude 123°02'00" W; to latitude 39°15'00" N/longitude 122°39'00" W; to latitude 38°47'30" N/ longitude 122°39'00"; to latitude 38°27'00" N/longitude 122°39'05" W; to latitude 38°22'45" N/longitude 122°52'22" W; to latitude 38°49'30" N/longitude 123°08'28" W; thence to the point of beginning.

Issued in Los Angeles, California on October 11, 1989.

Robert G. Brekke,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 89-25448 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-ASW-18]

Removal of Transition Area; Farmerville, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will remove the transition area located at Farmerville, LA. The cancellation of the VOR/DME-A standard instrument approach procedure (SIAP) to the Farmerville Airport, which utilized the Monroe Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC), has made this amendment necessary. The intended effect of this amendment is to return that controlled airspace no longer required due to the cancellation of the VOR/DME-A SIAP. Coincident with this action is the changing of the status of the Farmerville Airport from instrument flight rules (IFR) to visual flight rules (VFR).

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On June 19, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by removing the transition area located at Farmerville, LA (54 FR 29058).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will remove the transition area located at Farmerville, LA. The cancellation of the VOR/DME-A SIAP to the Farmerville Airport, which utilized the Monroe VORTAC, has necessitated this amendment. The VOR/DME-A SIAP was the only instrument approach serving the Farmerville Airport. The intended effect of this amendment is to return that controlled airspace no longer required due to the cancellation of the VOR/DME-A SIAP. Coincident with this action is the changing of the status of the Farmerville Airport from instrument flight rules (IFR) to visual flight rules (VFR).

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Farmerville, LA [Removed]

Issued in Fort Worth, TX, on October 17, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-25444 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-AEA-15]

Proposed Establishment of Transition Area; Farmington, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice establishes a new transition area for the Nemacolin Airport, Farmington, PA. This area is necessary to accommodate a new Runway 23 Standard Instrument Approach Procedure (SIAP) to the airport. This action establishes a 700 foot transition area which consists of controlled airspace which will be reflected on appropriate aeronautical charts.

EFFECTIVE DATE: 0901 u.t.c. January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

History

On July 18, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a 700 foot transition area for the Nemacolin Airport, Farmington, PA (54 FR 31701). The proposed action would separate aircraft executing the SIAP under instrument meteorological conditions on an instrument flight plan from aircraft operating under visual flight rules (VFR). The SIAP was the subject of a separate study with no objections to the proposal received. In addition, the area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E, January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a 700 feet transition area at Farmington, PA for the Nemacolin Airport to accommodate a new Runway 23 SIAP for the airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Farmington, PA [New]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nemacolin Airport, Farmington, PA (lat. 39°48'20" N., long. 79°32'57" W.) and within 4.5 miles each side of the Indian Head VORTAC 221° radial extending from the 7-mile radius area to the VORTAC.

Issued in Jamaica, New York, on October 4, 1989.

Billy E. Commander,

Acting Manager, Air Traffic Division.

[FR Doc. 89-25446 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-AEA-11]

Proposed Alteration of Transition Area; Winchester, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends the Winchester, VA 700 foot Transition Area. This action reflects the amount of controlled airspace needed to contain instrument operations when aircraft are executing operations during instrument meteorological conditions.

EFFECTIVE DATE: 0901 u.t.c. January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

History

On August 3, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the 700 foot Transition Area at Winchester, VA (54 FR 35198). The proposed action was due to the decommissioning of the Shawnee, Virginia VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) aid to navigation. The associated Standard Instrument Approach Procedures, which were based on this VORTAC, have been cancelled.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E, January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the 700 foot Transition Area to reflect that amount of controlled airspace which is needed to accommodate arriving and departing aircraft during instrument meteorological conditions.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Winchester, VA [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 39°08'30" N., long. 78°08'30" W., of Winchester Municipal Airport; within a 9.5-mile radius of the center of the airport extending clockwise from a 187° bearing to a 008° bearing from the airport; within 4 miles either side of the 043° bearing extending from the 6.5-mile radius to 10 miles northeast of the airport; within 5 miles each side of a 134° bearing from a point at lat. 39°08'17" N., long. 78°08'16" W., extending from said point to 14 miles southeast of said point.

Issued in Jamaica, New York, on September 30, 1989.

Billy E. Commander,

Acting Manager, Air Traffic Division.

[FR Doc. 89-25447 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-ASW-25]

Revision of Transition Area; Lake Charles, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the transition area located at Lake Charles, LA. The development of a new standard instrument approach procedure (SIAP) to the Southland Field Airport, Sulphur, LA, utilizing the Lake Charles Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC), has made this amendment necessary. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing this new SIAP to the Southland Field Airport. Coincident with this amendment will be the changing of the status of the Southland Field Airport from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On July 11, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by revising the transition area located at Lake Charles, LA (54 FR 31346).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the transition area located at Lake Charles, LA. The development of a new SIAP to the Southland Field Airport, Sulphur, LA, utilizing the Lake Charles VORTAC, has made this amendment necessary. This amendment will expand the existing Lake Charles, LA, Transition Area to include the Southland Field Airport, Sulphur, LA. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing this new SIAP to the Southland Field Airport. Coincident with this amendment will be the changing of the status of the Southland Field Airport from visual flight rules VFR to instrument flight rules IFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Lake Charles, LA [Amended]

By adding to the end of the legal description: and within a 7-mile radius of the Sulphur Southland Field Airport (latitude 30°07'53" N., longitude 93°22'34" W.).

Issued in Fort Worth, TX, on October 16, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-25442 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-AEA-13]

Proposed Alteration of Control Zone; Trenton, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice amends the control zone for the Mercer County Airport, Trenton, NJ. In addition, editorial changes have been made in the description of the control zone to simplify charting and other requirements. The editorial changes have not changed the intent of the original proposal. This action amends the amount of controlled airspace at the Mercer County Airport, Trenton, NJ, by removing all references to an airport which has been closed, and for which an exclusion zone (cutout) has been provided.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone (718) 917-0857.

SUPPLEMENTARY INFORMATION:

History

On July 7, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the control zone for the Mercer County Airport, Trenton, NJ (54 FR 31698). The proposed action would eliminate the cutout provided for the Morrisville, PA, airport. That airport has been closed and all charted references to it have been deleted.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6E, January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the Trenton, NJ, Control Zone by removing the cutout provided for the Morrisville, PA, airport. This airport has been closed and is no longer a charted reference.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Trenton, NJ [Amended]

Change "within 2.5 miles N and 2 miles S of the Yardley, PA, VOR 071° and 065° radials", to read "within 2.5 miles N. of the Yardley, PA VOR 065° radial and 2 miles S. of the Yardley 071° radial".

Delete that portion of the description which reads as follows:

"excluding the portion within a 1-mile radius of the Morrisville, PA, Airport (lat. 40°12'00" N., long. 74°48'55" W.)"

Issued in Jamaica, New York, on October 4, 1989.

Billy E. Commander,

Acting Manager, Air Traffic Division.

[FR Doc. 89-25445 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

---

14 CFR Part 71

[Airspace Docket No. 89-ASW-15]

Revision of Control Zone; Midland, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the control zone located at Midland, TX. The current legal description contains the old name of the airport, that being the Midland Regional Air Terminal. The correct name is the Midland International Airport. Additionally, the coordinates of the airport have been slightly revised. The need to correct the name of the airport, as well as revise its coordinates, has made this amendment necessary. The current layout of the Midland, TX, Control Zone will not be altered. The intended effect of this amendment is to only change the legal description of the Midland, TX, Control Zone by correcting the name of the primary airport and revising its coordinates.

EFFECTIVE DATE: 0901 u.t.c., January 11, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, Airspace and Procedures Branch, Air Traffic Division,

Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone (817) 624–5561.

SUPPLEMENTARY INFORMATION:

History

On June 19, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by revising the control zone located at Midland, TX (54 FR 29057).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E, dated January 3, 1989.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the control zone located at Midland, TX. The correct legal description of the Midland, TX, Control Zone states that the primary airport of the control zone is the Midland Regional Air Terminal. The name of the primary airport has been changed to the Midland International Airport, and the legal description is being changed to reflect this. Also, the coordinates of the airport have been slightly revised, and this is also being changed. Both of these required corrections have necessitated this amendment. The present layout of the control zone is not being altered. The intended effect of this amendment is to revise the legal description of the Midland, TX, Control Zone to reflect the correct name of the primary airport and its coordinates, not to change or alter the control zone itself.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Midland, TX [Revised]

Within a 5-mile radius of the Midland and International Airport (latitude 31°56'33" N., longitude 102°12'06" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius area to 7 miles northwest of the airport.

Issued in Fort Worth, TX, on October 16, 1989.

Larry L. Craig,

Manager, Air Traffic Division Southwest Region.

[FR Doc. 89–25443 Filed 10–27–89; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR PART 5

Delegations of Authority and Organization; Center for Biologics Evaluation and Research

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to certification of true copies and use of the department seal in order to delegate authority to additional Center for Biologics Evaluation and Research (CBER) officials in the Office of Compliance and to remove such authority where it is no longer applicable. In addition, an amendment to 21 CFR 5.22(a)(7) (iv) is being made to revise "The Chiefs" to read "The Directors".

EFFECTIVE DATE: October 30, 1989.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: FDA is amending the delegations of authority under § 5.22 Certification of true copies and use of Department seal (21 CFR 5.22) by revising paragraph (a)(7) (iv) and (v) in order to delegate authority to additional CBER officials in the Office of Compliance and remove such authority from officials in the Office of Compliance where it is no longer applicable. The revisions are in conformance with organizational changes within CBER in which the Biologics Information Staff was moved from the Office of Biological Product Review to the Office of Compliance. The amendment deletes from the list the Chief, Biologics Information Staff, Office of Biological Product Review, and adds to the list the Director, the Special Projects Officer, the Chief of the Freedom of Information Section, and Freedom of Information Officers, of the Congressional and Public Affairs Staff, Office of Compliance. Also, FDA is amending 21 CFR 5.22(a)(7)(iv) by revising the words "The Chiefs" to read "The Directors".

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261–1282, 3701–3711a; secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 21 U.S.C. 41–50, 61–63, 141–149, 467f, 679(b), 801–886, 1031–1309; secs. 201–902 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–392); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352, 354–360F, 361, 362, 1701–1706, 2101 of the

Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b–263n, 264, 265, 300u–300u–5, 300aa–1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007–10008; E.O. 11490, 11921, and 12591.

2. Section 5.22 is amended by revising paragraphs (a)(7) (iv) and (v) to read as follows:

§ 5.22 Certification of true copies and use of Department seal.

(a) * * *

(7)(iv) The Directors of the Case Management Staff, the Inspections and Surveillance Staff, Regulations and Bioresearch Monitoring Staff, and the Congressional and Public Affairs Staff, Office of Compliance, CBER.

(v) The Special Projects Officer, Chief of the Freedom of Information Section, and Freedom of Information Officers, Congressional and Public Affairs Staff, Office of Compliance, CBER.

* * * * *

Dated: October 23, 1989.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-25467 Filed 10-27-89; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listings of FD&C Red No. 3 in Cosmetics and Externally Applied Drugs and of its Lakes in Food, Drugs, and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listings of FD&C Red No. 3 for use in coloring cosmetics and externally applied drugs and of the lakes of this color additive for use in coloring food, drugs, and cosmetics. The new closing date for the provisional listings of this color additive will be January 29, 1990. This postponement will permit the uninterrupted use of this color additive and its lakes while FDA continues to evaluate the results of the agency's review of the FD&C Red No. 3 data and prepares appropriate Federal Register documents to announce the agency's decision on the regulatory status of this color additive and its lakes.

DATES: Effective October 30, 1989. The new closing date for FD&C Red No. 3 and its lakes will be January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Gerad L. McCowin, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5676.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of October 30, 1989, for the provisional listing of FD&C Red No. 3 for use in cosmetics and externally applied drugs and for the provisional listing of the lakes of the color additive for all uses by a rule published in the Federal Register of August 29, 1989 (54 FR 35860). This extension was necessitated by the complexity of the issues to be addressed by the agency in resolving the regulatory status of the provisionally listed uses of FD&C Red No. 3 and its lakes.

Title II of the Color Additive Amendments of 1960 (the transitional provisions) (Pub. L. 86–618, section 203 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 376 note)) authorizes FDA from time to time to postpone the closing date of the provisional listing for a color additive. "Such postponements must be consistent with the public health, and the Commissioner must judge that the scientific investigations are going forward in good faith and will be completed as soon as reasonably practicable." *McIlwain* v. *Hayes*, 690 F.2d 1041, 1047 (D.C. Cir. 1982) and *Public Citizen* v. *Young*, 831 F.2d 1108, 1122 (D.C. Cir. 1987).

FDA is continuing to evaluate the results of its review of the data submitted by the various proponents of FD&C Red No. 3, and is preparing the Federal Register documents necessary to announce the agency's decision on the regulatory status of the provisionally listed uses of FD&C Red No. 3 and its lakes. Due to the complexity of the issues in this matter, the volume of data and information to be evaluated, and the length of the Federal Register documents, FDA needs additional time to complete its task. Accordingly, FDA is now postponing the closing date for the provisionally listed uses of FD&C Red No. 3 to January 29, 1990.

The agency believes that this postponement of the closing date for the provisionally listed uses of FD&C Red No. 3 and its lakes is consistent with the standard for issuing such postponements. In particular, FDA believes that the continued use of these color additives for an additional period not to exceed 90 days will not pose a hazard to the public health. To the extent that there are risks from the continued use of FD&C Red No. 3 and its lakes, these risks result from chronic exposure to the color additive. Thus, the agency concludes that the continued use of FD&C Red No. 3 in cosmetics and externally applied drugs and of the lakes of this color additive for an additional period of only 90 days will not have any significant effect on the public health. Further, this extension is being granted to allow the agency to evalaute the existing data and to prepare the necessary Federal Register documents. The Court in *Public Citizen* recognized that the statutory scheme for regulating color additives "allows for the time necessary * * * for careful review of data" and expressly stated that it is permissible to extend a closing date to allow further evaluation of completed tests. 831 F.2d at n.19 and 1123. FDA will complete this process as soon as is reasonably practicable. Accordingly, FDA concludes that a brief postponement is consistent with the standard for extensions articulated in *McIlwain* and *Public Citizen, supra.*

Because of the shortness of time until the closing date of October 30, 1989, FDA concludes that notice and public comment on this regulation are impracticable, and that good cause exists for issuing the postponement as a final rule and for an effective date of October 30, 1989. This regulation will permit the uninterrupted use of this color additive until further action is taken. In accordance with 5 U.S.C. 553(b), (d)(1) and (3), this postponement is issued as a final regulation, effective October 30, 1989.

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has determined that extending the provisional listing of these color additives requires no change in the current industry practice concerning the manufacture or use of these ingredients.

Therefore, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities would derive from this action. Further, the economic effects of this final rule have been analyzed and it has been determined that it is not a major rule as defined in Executive Order 12291.

List of Subjects in 21 CFR Part 81

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

1. The authority citation for 21 CFR part 81 continues to read as follows:

Authority: Secs. 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371, 376, 376 note).

§ 81.1 [Amended]

2. Section 81.1 *Provisional lists of color additives* is amended in the table of paragraph (a) by removing the closing date "October 30, 1989", both places it appears, for the entry "FD&C Red No. 3" and inserting in its place "January 29, 1990".

§ 81.27 [Amended]

3. Section 81.27 *Conditions of provisional listing* is amended in the table, appearing in the introductory text of paragraph (d), by removing the closing date "October 30, 1989" for the entry "FD&C Red No. 3" and inserting in its place "January 29, 1990".

Dated: October 24, 1989.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 89-25466 Filed 10-25-89; 10:57 am]

BILLING CODE 4160-01-M

PANAMA CANAL COMMISSION

35 CFR Parts 103 and 133

RIN 3207-AA24

Requirements of Transiting Vessels and Their Measurement

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission is today amending its regulations in title 35, Code of Federal Regulations, parts 103 "General Provisions Governing Vessels" and 133 "Tolls for Use of Canal": (1) To more accurately reflect treaty-mandated changes concerning authority over transiting vessels; (2) to require new pilot shelter platforms; and (3) to clearly identify those officials who are authorized to measure and certify the tonnage of vessels. These latter two changes are being made to provide shelter from weather for pilots aboard transiting vessels and for clarification.

EFFECTIVE DATE: November 29, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, Telephone: (202) 643-6441, or John L. Haines, Jr., General Counsel, Panama Canal Commission, telephone in Balboa Heights, Republic of Panama, (011)-507-52-7511.

SUPPLEMENTARY INFORMATION: On July 13, 1989, a notice of proposed rulemaking was published in the **Federal Register** (54 FR 29584), setting forth the revised rules amending §§ 103.7, 103.19, and 133.32. Interested parties were given the opportunity to submit comments by August 14, 1989. Comments were received by the agency regarding § 103.19 and 133.32. As regards §§ 103.19, the writer expressed the view that the proposed shelters were not warranted as practicable, suggesting a raincoat to be sufficient to protect the pilot and his radio during rain squalls. The Panama Canal Commission responded that pilots are required to remain on the bridge wing during the critical locks entries and departures and that raincoats are not sufficient to provide adequate protection for the pilot or his radios during Panama's frequent torrential rains. Further, bridge wing shelters also serve to insure the pilots' visibility during rain storms and to protect them against the tropical sun.

Comment was also received from the United States Coast Guard requesting that an additional clause be added to § 133.32, which identifies that the United States Coast Guard will assign some of it measurement tasks to delegates identified in 46 CFR 69.15. The requested change is included in the final rule.

Section 103.7 concerns the temporary holding of vessels for the purpose of investigation into a marine accident. Inasmuch as the agency's legal authority to hold vessels was abolished by the Panama Canal Treaty of 1977 and its related agreements, reference to holding a vessel is being removed; however, a vessel may still be denied transit until its tenderness, trim, list, draft, cargo, hull, machinery and equipment have been put into such condition as to make the vessel safe for its transit through the Panama Canal.

Second, § 103.19 is changed by revising paragraphs (a) and (d) and adding two new paragraphs to require vessels whose extreme beam is 24.40 meters (80 feet) or more to provide shelters for pilots on the bridge wings of these medium-size and large vessels. The purpose of the shelters is to provide pilots protection from the elements and enhance safety. The shelters shall be in place and ready for use no later than six months from the effective date of publication of this rule in the **Federal Register.**

The last change corrects § 133.32 to specify that measurements of Canal tonnage may be taken and associated certificates may be issued by the United States Coast Guard or its delegate, as well as Canal admeasurers and certain properly designated officials abroad.

These rules are not major rules for the purposes of Executive Order 12291 of February 17, 1981. In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is hereby certified that these proposed rules will not have a significant impact on small business entities.

Lists of Subjects

35 CFR Part 103

Vessels, General provisions.

35 CFR Part 133

Tolls for use of Canal.

For the reasons set forth in the preamble, the Panama Canal Commission amends 35 CFR parts 103 and 133 as follows:

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

1. The authority citation for part 103 continues to read as follows:

Authority: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043, and 44 U.S.C. 3501.

2. Section 103.7 is revised to read as follows:

§ 103.7 Authority to deny transit.

A vessel's transit may be denied until, in the opinion of the Canal authorities, its tenderness, trim, list, draft, cargo, hull, machinery, and equipment have been put into such condition as will make the vessel safe for her passage through the Canal. No claim shall be allowed or considered because of any such delay.

3. Section 103.19 is amended by revising the heading and paragraphs (a) and (d) and by adding new paragraphs (e) and (f) to read as follows:

§ 103.19 Requirement for pilot shelter platforms.

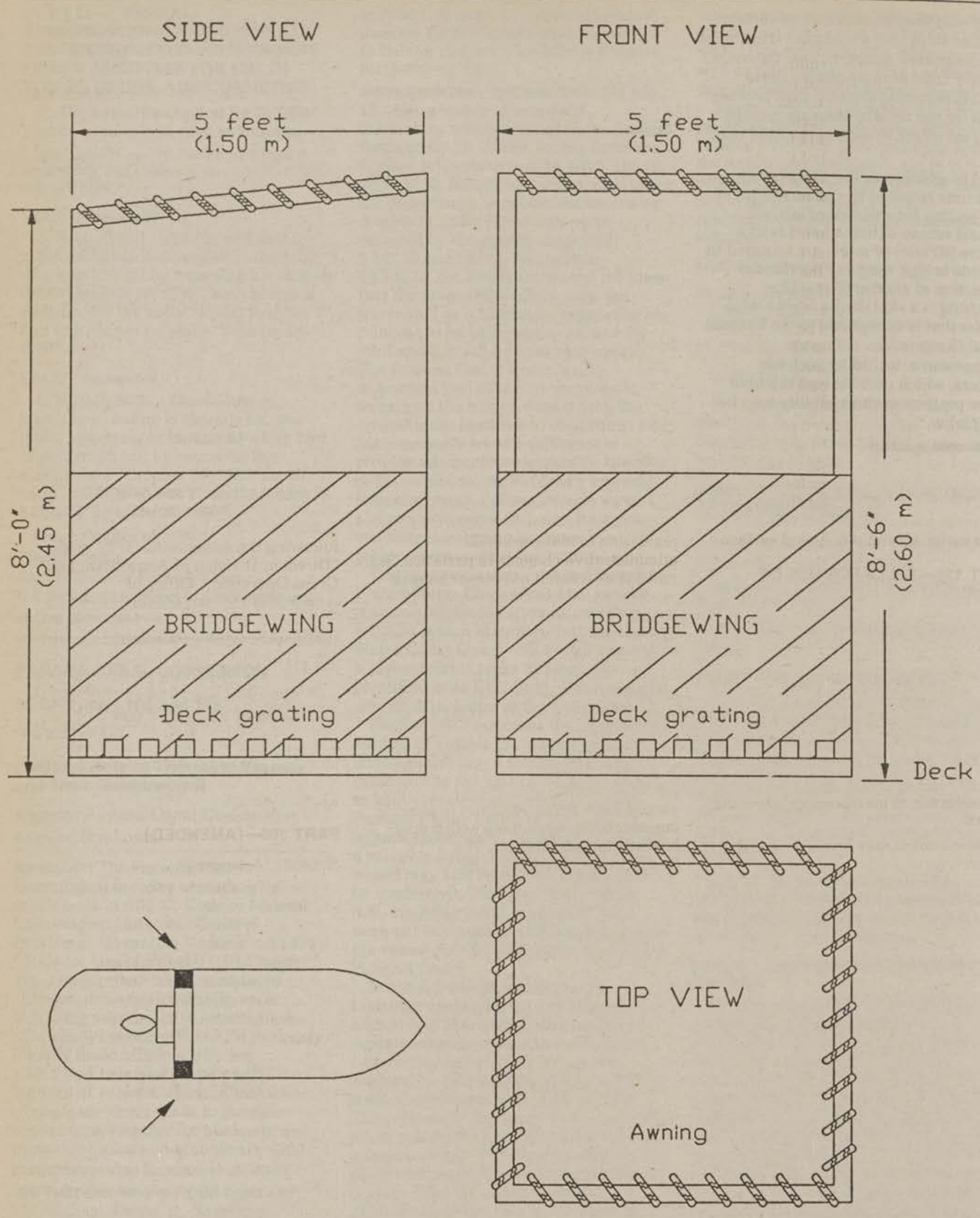
(a) Any vessel that, in accordance with Panama Canal operation standards, is required to have three or more pilots aboard, shall provide suitable pilot shelter platforms for the assisting pilots. The purpose for the pilot platforms is to provide shelters from sun and rain for pilots working near the bow or the stern of a vessel and to provide adequate visibility around the locks in order to reduce the danger of damage. In general, this bow/stern pilot shelter platforms are required on ships of 190.5 meters (625 feet) or more in length and a beam of 30.5 meters (100 feet) or greater.

They may also be required on certain smaller ships that the Marine Director or his designated representative determine require three or more pilots. Those vessels requiring shelters shall provide them for use no later than six months from the effective date of the final rule.

* * * * *

(d) In addition to the pilot shelter platforms required by paragraph (a) of this section for assisting pilots, all vessels whose extreme beam is 24.4 meters (80 feet) or more, are required to provide bridge wing shelters for the protection of control pilots. The following is a sketch of a bridge wing shelter that is acceptable to the Panama Canal Commission. Alternate arrangements, including portable shelters, which provide equivalent or better protection and visibility may be acceptable.

BILLING CODE 3640-04-M



BILLING CODE 3640-04-C

(e) The purpose of the bridge wing shelter is to provide protection for pilots from sun and rain, while allowing maximum visibility around the locks. On vessels that have a raised conning station at the edge of the bridge wing more than 30 centimeters (1 foot) above the deck level, the height of the awning should be raised accordingly. Awnings are to extend at least 1.52 meters (5 feet) inboard from the outboard edge of the bridge wing. Similarly, their fore-and-aft dimension is to be at least 1.52 meters (5 feet), extending aft from the forward part of the bridge wing. If ship control equipment (engine, rudder or thruster controls, etc.) are located on the bridge wings, these shelters must also extend at least one foot beyond such equipment but must not extend beyond the outboard edge of the bridge wing.

(f) The awnings indicated in the sketches in paragraphs (b) and (d) of this section are to be made of suitable material to provide shelter from sun and rain. The decks of the pilot shelter platforms are to be made of wood or other material with a non-skid surface.

PART 133—TOLLS FOR USE OF CANAL

4. The authority citation for part 133 continues to read as follows:

Authority: Issued under authority of the President by 22 U.S.C. 3791; E.O. 12215, 45 FR 36043.

5. Section 133.32 is revised to read as follows:

§ 133.32 Measurement of vessels; making and correction of measurement; plans and copies.

Measurement may be made and the required certificate issued by the admeasurers of the Canal, by the United States Coast Guard or by its delegates as identified in 46 CFR 69.15, and by certain other officials worldwide as designated by the Director of Admeasurement of the Panama Canal Commission. Each transiting vessel should be provided with a full set of plans and a copy of the measurements which were made at the time of issue of its national tonnage certificate, as well as the tonnage certificate itself. The Canal authorities shall have the right to check and correct any measurement made or certificate issued elsewhere.

Dated: September 28, 1989.

Fernando Manfredo, Jr.,

Acting Administrator, Panama Canal Commission.

[FR Doc. 89-25437 Filed 10-27-89; 8:45 am]

BILLING CODE 3640-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

48 CFR Parts 302, 304, 309, 315, 332, 342, and 352

Acquisition Regulation; Miscellaneous Amendments

AGENCY: Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services is amending its acquisition regulation (HHSAR), title 48 Code of Federal Regulations chapter 3, to make several administrative changes.

EFFECTIVE DATE: October 30, 1989.

FOR FURTHER INFORMATION CONTACT: Ed Lanham, Senior Procurement Analyst, Division of Acquisition Policy, telephone (202) 245-8890.

SUPPLEMENTARY INFORMATION: The Department is amending its acquisition regulation to make several administrative changes in parts 309, 315, and 332 as a result of recent changes made in corresponding parts of the Federal Acquisition Regulation, title 48 Code of Federal Regulations chapter 1.

The amendments being made in parts 302, 304, 342, and 352 reflect administrative and procedural changes determined necessary by the Department.

The Department of Health and Human Services adheres to the policy that the public, or certain elements comprising it, should have the opportunity to provide comments on regulations which may have an impact on them. The Department has determined, however, that this rule contains no amendments that would have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of the Department. As a result, the Department is not requesting comments on these acquisition regulations and is publishing them as a final rule.

The Department of Health and Human Services certifies this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*); therefore, no regulatory flexibility statement has been prepared. This document does not contain information collection requirements needing approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*).

The provisions of this regulation are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

List of Subjects in 48 CFR Parts 302, 304, 309, 315, 332, 342, and 352

Government procurement.

Accordingly, the Department amends 48 CFR chapter 3 as set forth below.

Dated: October 18, 1989.

James F. Trickett,

Deputy Assistant Secretary for Management and Acquisition.

As indicated in the preamble, chapter 3 of title 48 Code of Federal Regulations is amended as shown.

1. The authority citation for parts 302, 304, 309, 315, 332, 342, and 352 continues to read as follows:

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

PART 302—[AMENDED]

302.100 [Amended]

2. The term "Principal official responsible for acquisition" in § 302.100 is amended by replacing the title following the designation "IHS" with "Director, Division of Acquisition and Grant Operations, Office of Administration and Management."

PART 304—[AMENDED]

304.870 [Amended]

3. Paragraph (c)(5) of § 304.870 is amended by removing, in the third sentence, the wording "or Form HHS 646, Financial Report of Individual Project/Contract," and by correcting the reference to the Standard Form number to read "1034".

PART 309—[AMENDED]

309.403 [Amended]

4. Section 309.403 is amended as follows:

a. Add, in alphabetical order, the following definition:

Acquiring agency's head or a designee, as used in the FAR, shall mean, unless otherwise stated in this subpart, the head of the contracting activity. Acting in the capacity of the acquiring agency's head, the head of the contracting activity may make the required justifications or determinations, and take the necessary actions, specified in FAR §§ 9.405, 9.406, and 9.407 for his or her respective activity, but only after obtaining the approval of the debarring or suspending official, as the case may be.

b. In the definition of the term "Debarring official", add "his/her" after the word "or" and before the word "designee."

c. In the definition of the term "Initiating official", add the word "either" after the word "means" and before the word "the", remove the "or" after the word "officer," and before the word "the", and remove the "or" after the word "activity," and before the word "the".

d. In the definition of the term "Suspending official", add "his/her" after the word "or" and before the word "designee".

309.404 [Amended]

5. Section 309.404 is amended by revising the title to read "Parties excluded from procurement programs.", and by revising the FAR reference in paragraph (c) to read "FAR 9.404(c)."

PART 315—[AMENDED]

315.406-5 [Amended]

6. Paragraph (a)(2) of § 315.406-5 is amended by adding the following FAR provisions in numerical order, and by renumbering the existing list of FAR references: "FAR 52.209-5, Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters;", "FAR 52.223-5, Certification Regarding a Drug-Free Workplace;", and "FAR 52.225-12, Notice of Restrictions on Contracting With Sanctioned Persons;".

315.407 [Amended]

7. Section 315.407 is amended by adding a new paragraph (i) to read as follows:

(i) The contracting officer shall insert the provision at FAR § 52.233-2, Service of Protest, in solicitations as required by FAR 33.106(a).

PART 332—[AMENDED]

8. Section 332.905 is revised to read as follows:

332.905 Invoice payments.

(a)(1)(ii), (b)(4), (c)(5). In most instances, the contracting officer will use the seven (7) day constructive acceptance period (specified in paragraph (a)(6)(i) of the Prompt Payment clause at FAR 52.232-25, paragraph (a)(5)(i) of the Prompt Payment clause at FAR 52.232-26, and paragraph (a)(4)(i) of the Prompt Payment clause at FAR 52.232-27) for solicitations and resultant contracts as the basis for the fiscal office's computation of interest penalties. However, where the contracting officer extends the constructive acceptance period, under the conditions described in FAR 32.905, the extension shall be coordinated with the fiscal office. A constructive acceptance period of less than seven (7) days is not authorized.

(j) When the contracting officer mistakenly receives an invoice first, or is specified in the contract as the first recipient of the invoice, and the contract requires payment with thirty (30) days from receipt of a "proper invoice" (as defined by FAR 32.902), the contracting officer shall review the invoice to determine whether or not it is proper; and, if so, shall approve the invoice and submit it to the fiscal office within sixteen (16) days from the date of receipt. When the contracting officer is the first recipient of the invoice and the contract establishes a payment due date of more than thirty (30) days after receipt, the contracting officer shall review, approve, and submit the "proper invoice" to the fiscal office at least fourteen (14) days prior to the payment due date (unless the contracting officer and fiscal office agree, prior to contract award, to a longer period).

PART 342—[AMENDED]

342.7002 [Amended]

9. Section 342.7002 is amended by adding the following as paragraph (e):

(e) Contract cost and manpower reporting shall be required on all cost-reimbursement type contracts financed under letter of credit or Departmental Federal Assistance financing System (DFAFS) methods of payment regardless of dollar value, and on all other cost-reimbursement type contracts of $100,000 or more. Financial reporting may be required on cost-reimbursement contracts under $100,000, when financed by other than the letter of credit of DFAFS methods, but only if it is necessary for effective contract administration. Financial and manpower information may be submitted either as a separate contract financial report or as an addendum to a public voucher, as prescribed by the contracting officer. Frequency, format (including instructions), extent, structure (including cost elements and labor categories), and distribution of reporting fall within the discretion of the contracting officer. The contracting officer shall set forth financial reporting requirements in all applicable RFPs and contracts, shall limit the requirements to those necessary for effectual cost and manpower management of the contract, and shall avoid the use of reporting requirements that are unduly burdensome on the contractor.

PART 352—[AMENDED]

352.242-80 [Removed]

10. Section 352.242-80 is removed.

[FR Doc. 89-25427 Filed 10-27-89; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB26

Endangered and Threatened Wildlife and Plants; Determination of Experimental Population Status for an Introduced Population of Guam Rails on Rota in the Commonwealth of the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) determines that the Rota population of the Guam rail (*Rallus owstoni*), an endangered species endemic to Guam, be designated a nonessential experimental population according to section 10(j) of the Endangered Species Act of 1973, as amended (Act). The introduction is being made on the island of Rota, which is outside the probable historical range of the species, because its primary habitat on Guam has been "indefinitely altered" through establishment of the introduced, predatory brown tree snake (*Boiga irregularis*). Extirpation of virtually the entire avifauna of Guam has been attributed to predation by the brown tree snake. No effective control methods have been developed as yet; none are anticipated in the foreseeable future. "Indefinitely altered" is thus tantamount to the "unsuitable and irreversible alteration or destruction" of the primary habitat of the Guam rail. The releases on Rota will be made in suitable habitat types identical to that formerly occupied by the rail on Guam. Since captive-held rails are known to become tame over time and lose their ability to survive in the wild, establishment and maintenance of a free-roaming, self-sustaining population on Rota can be expected to provide a source of "wild" rails for future re-establishment on Guam. Analysis of experimental release programs indicates that the most successful examples used "wild" (wild-caught) birds rather than animals propagated in captivity specifically for release purposes. There is no alternative to the establishment of

the proposed experimental population on Rota which would be as effective for promoting conservation of the Guam rail. This population would be treated as a threatened species, rather than an endangered species for the purposes of sections 4(d) and 9 of the Act. The species is currently protected at 13 different captive propagation facilities, and release of progeny excess to the needs of the captive flock would not be detrimental to the long term survival of this species. The nonessential status will provide flexibility in managing the Rota population.

EFFECTIVE DATE: October 30, 1989.

ADDRESSES: The complete file for this final rule is available for inspection, by appointment, during normal business hours at the Pacific Islands Office (Environmental Services), U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Ernest Kosaka, Field Office Supervisor, at the above address. Telephone: (808) 541-2749 or FTS 551-2749.

SUPPLEMENTARY INFORMATION:

Background

Guam, with an area of approximately 550 square km (212 square miles), is the largest and most developed island in Micronesia. It is generally divided into a northern, fairly level limestone plateau, and a southern, mountainous area of volcanic origin. Vegetation on the island has been vastly altered by humans and much of the original forest has been removed.

The endemic flightless Guam rail was formerly abundant and occurred island-wide. The population declined drastically between 1963 and 1973, and by the mid-1970's had disappeared from southern Guam. A 1981 survey indicated that about 2,000 rails still persisted in northern Guam. By 1986, however, the species was considered virtually extirpated from the wild.

Although several inimical factors were believed to have caused the demise of the Guam rail, the most important was predation on eggs and young by the introduced brown tree snake. This exotic predator has caused virtual extinction of the entire avifauna of Guam. Individual rails and kingfishers were all that remained by the early to mid-1980's.

When it was evident that the rail faced imminent extinction, a consortium of zoos under the auspices of the American Association of Zoological Parks and Aquariums (AAZPA) in cooperation with the Guam Division of Aquatic and Wildlife Resources (GDAWR) embarked on a captive propagation program by capturing as many rails as possible. Agreements were entered into whereby cooperating zoos agreed to develop techniques for propagating the rail in captivity as well as maintaining a viable population with maximum genetic diversity. In fact, the rail has demonstrated extraordinary fecundity in captivity, making it necessary to curtail breeding to avoid production of excessive progeny. The cooperating agencies proposing this project have been assured by knowledgeable geneticists and breeders of the AAZPA that it is possible to attempt to establish a nonessential experimental population of the Guam rail with progeny excess to the needs of the captive propagation program, and without harm to the captive flock.

Because existing habitat on Guam had been rendered unsuitable by the presence of the brown tree snake, it was necessary to look at alternative sites for establishing an experimental population of this species. After evaluating habitats on Guam and other islands in the Marianas Archipelago, and consulting with knowledgeable scientists and individuals, analysis of all the data available indicated that the island of Rota, Commonwealth of the Northern Mariana Islands (Commonwealth) was the best alternative release site. Although Rota is outside the known historical range of the Guam rail, it has suitable habitat identical to that formerly occupied by the rail. Most important, the brown tree snake is not known to occur on Rota.

Prior to the establishment of an experimental population outside of its probable historic range, the Service must determine that the primary habitat of the species has been unsuitably and irreversibly altered or destroyed. Although the basic habitat components required by the rail on Guam have not been "irreversibly" altered or destroyed in the strict sense, they have essentially been made unavailable to the rail for the indefinite future due to the pervasive threat of the brown tree snake. There is hope that it will eventually be possible to control or eradicate the brown tree snake on Guam, but there is no assurance that this will be possible in the foreseeable future. This indefinite alteration of the rail's primary habitat is tantamount to the unsuitable and irreversible alteration or destruction of its primary habitat.

There are reasons to believe that an experimental population of the Guam rail will become established on Rota in the foreseeable future. Rails will be released in habitats similar or identical to that in which the species thrived on Guam before introduction and establishment of the brown tree snake. Birds destined for release comprise individuals with maximum genetic diversity. There is a comprehensive release and follow-up plan to be implemented by personnel from the University of Tennessee and also monitored by biologists from cooperating agencies. The Commonwealth has indicated that it will utilize its resources (Conservation Officer, Wildlife Technician, and Wildlife Biologists) to enhance protection for the rails released. The Mayor of Rota has also given his assurances that he will use the municipality's resources to promote protection of the experimental population.

Establishment of Guam rails on Rota should provide a source of "wild" rails for reestablishment on Guam when the brown tree snake can be eliminated or controlled. For this reason the Service finds that the release and establishment of an experimental population of Guam rails on Rota will further the conservation of this species. (See section 10(j)(2)(A) of the Act; 50 CFR 17.81(b). Analysis of release programs by scientists from the University of Idaho has shown that those releases using "wild" (wild-caught) birds have been significantly more successful in establishing a population than releases comprised of captive propagated birds. This difference has been attributed to a loss of ability to survive in the wild over time by captive-held birds. Their managed environment diminishes their ability to survive the rigors of the wild. This project is believed to be the most effective means for promoting long-term conservation and recovery of the rail.

The introduced population is not expected to be affected by existing or anticipated Federal, Commonwealth, or private actions within or adjacent to the experimental population area. Scrubby, second-growth habitats away from urban development and human activities have been selected as release sites.

The Service has consulted extensively with appropriate Commonwealth, Territorial, and Municipal (Rota) agencies in developing and implementing the experimental population project and rules. Local public participation was conducted by the Mayor of Rota, the Commonwealth, and Guam in their respective jurisdictions. A Memorandum of Agreement was developed and executed among the Service, the Commonwealth, and Guam to enhance this project.

Designating the Rota population as a nonessential experimental population will enable the Service to promulgate a special rule that will authorize considerable discretion in managing the population. The protective regulations are necessary and advisable to provide for the conservation of the rail, particularly during the initial stages of the translocation program. The special rule will stipulate that agents of the Commonwealth Division of Fish and Wildlife, the Guam Division, and the Service will be authorized to take animals that need special care or that are causing depredation problems. No taking of "problem" rails would be countenanced except as a last resort. Live capture and release into other suitable, remote habitats will be the preferred course of action whenever possible.

The special rule also has a provision to allow for special take by private individuals if the nonessential experimental population becomes well established on Rota. This special take would be allowed under regulations promulgated by the Commonwealth of the Northern Mariana Islands once the Service has determined that the rail has become well established and occupies all suitable habitat on Rota. These flexible rules will help gain and maintain public support for the project.

The nonessential status is appropriate for the following reasons: (1) Although the Guam rail is virtually extinct in the wild, robust captive propagation flocks have been established on Guam and in twelve cooperating zoos and aviaries on the mainland (this captive flock presently consists of some 112 rails); (2) care and maintenance of the captive flocks are of the highest order (consequently, the Service does not believe that disease or any other natural phenomenon is likely to eliminate this flock and threaten the survival of the species); and (3) the Guam rail breeds readily in captivity, resulting in the availability of rails that can be made available for release and that are excess to the needs of the captive flock. The taking of approximately 500 rails over the 5-year duration of this project from these sources of captive propagated progeny would not threaten the survival of this species even if all of the animals released into the wild were to succumb to natural or man-caused mortality.

The Commonwealth Division has the statutory authority to protect and conserve listed species. It has agreed to protect the Guam rails proposed for establishment on Rota by promulgating its own regulations to prohibit the taking of rails in the Commonwealth. It also has two staff members, a Conservation Officer and a Wildlife Technician, residing on Rota who can enforce those regulations. The Service is satisfied that the Commonwealth's regulatory mechanisms and staff presence are sufficient to provide for conservation of the rail.

Since the Service proposes that the Rota population of Guam rails be designated as a nonessential experimental population, no critical habitat will be proposed or designated.

Pursuant to 5 U.S.C. 553(d)(3), the Service finds that good cause exists to have this rule take effect upon publication. It is essential to the success of this year's translocation that it commence during the rainy season, when habitat conditions are most favorable for survival of the rails that are released.

Summary of Comments and Recommendations

The proposed rule was published in the **Federal Register** on June 19, 1989 (54 FR 25744), at which time all interested parties were invited to comment on the proposal during the comment period, which extended through July 19, 1989. Many newspaper articles were published in the Pacific Daily News, the newspaper of general circulation in the Mariana Islands, immediately after the proposed rule was published. Publication of the proposed rule for this translocation project was a long-awaited event by many residents of Guam and the Commonwealth.

Written comments were received from a total of 41 persons representing a wide gamut of interests ranging from local governments (2), private organizations (23), universities (8), companies (3), and individuals (5). A partial listing of commenters includes: GDAWR, Commonwealth Division of Fish and Wildlife, Marianas Audubon Society, International Crane Foundation, Los Angeles Zoo, Houston Zoological Society, Zoological Society of Philadelphia, International Council for Bird Preservation—U.S. Section, National Zoological Park, University of Minnesota, Edison Electric Institute, Peregrine Fund, Inc., and the Guam Board of Realtors. All commenters supported the translocation project.

While supporting the establishment of an experimental population, several commenters also made recommendations concerning various aspects of the undertaking. Service response to these recommendations are presented below.

Comment 1: Expeditious implementation of the release program is needed.

Response: The Service concurs with the 14 commenters who expressed this opinion. The two primary reasons given for this comment were: (1) To prevent abundance of the captive rail flock from becoming a hindrance to propagation efforts (14 commenters), and (2) to alleviate the problem of limited space in captive propagation facilities due to the unique requirements of the Guam rail (11 comments). Service concurrence is also based on the necessity of releasing rails on Rota during the rainy season, when environmental conditions are most favorable for survival of the birds.

Comment 2: While supporting introduction of the rail to Rota, one person expressed concern that the introduced rails may adversely affect relict native reptile, arthropod, and snail populations on Rota. Notwithstanding the surveys conducted by entomologists from the University of Guam, this commenter believed it likely that there are relict native arthropods on Rota that may be affected by an aggressive predator like the rail. This commenter recommended continuing assessment of the effects of the experimental population on native fauna. Another expressed the opinion that the rail would not be a serious competitor or problem on Rota. Two commenters noted that the fauna and flora of Rota have been extensively altered and thought that the release of rails would not pose a problem.

Response: The Service recognizes the potential threats to native species posed by the introduction of Guam rails to Rota, but believes the potential negative consequences in this instance to be minimal and greatly outweighed by the probable benefits to conservation of the rail. Nevertheless, due attention will be paid to any evidence of adverse effects on native species, and the project will be re-evaluated if such evidence arises.

Comment 3: Rigorous disease screening of all birds to be released on Rota is essential.

Response: The Service agrees and shares the concern expressed by 12 commenters. Veterinarians have been consulted on this matter and the release plan provides for—(1) screening for hematozoans and viral diseases, (2) screening of birds shipped from mainland zoos to Guam; and (3) disease screening of all birds prior to their shipment to Rota. In consideration of the strict disease surveillance at all participating captive propagation facilities, and the disease screening of all birds before they are released on Rota, the Service believes that this concern will not become a problem.

Comment 4: While supporting the establishment of an experimental population, two commenters noted that translocation of Guam rails to Rota would be a falsification of the fauna on that island.

Response: The Service concurs with the 2 commenters who expressed this sentiment. It should be noted, however, that one commenter expressed the opinion that there was most likely a species of Rallidae on Rota in the past, citing fossil evidence from other tropical islands. He also stated that translocations outside a species' historical range may be essential to prevent extinction. The other commenter favored introduction of the rail, in spite of falsification of the fauna, because many other domesticated and wild species have already been introduced on Rota and he thought it would probably have little additional negative impact.

National Environmental Policy Act

A Final Environmental Assessment and a Finding of No Significant Impact pertaining to this proposal have been prepared and are available for inspection at the Office of Environmental Services (see **ADDRESSES** above). It has been determined that this is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 1022) of the National Environmental Policy Act of 1969.

Author

The primary author of this final rule is Ernest Kosaka, Office of Environmental Services (see **ADDRESSES**, above).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Final Regulation Promulgation

PART 17—[AMENDED]

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Amend § 17.11(h) by revising the existing entry for "Rail, Guam," under BIRDS as shown below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
*	*	*	*	*	*	*	
Rail, Guam	*Rallus owstoni*	Western Pacific Ocean, USA (Guam).	Entire, except Rota	E	146E, 156	NA	NA
Do	do	do	Rota	XN	146E, 156, 371.	NA	§ 17.84(f)
*	*	*	*	*	*	*	

3. 50 CFR 17.84 is amended by adding new paragraph (f) as follows:

§ 17.84 Special rules—vertebrates.

* * * * *

(f) Guam Rail (*Rallus owstoni*).

(1) The Guam rail population identified in paragraph (f)(7) of this section is a nonessential experimental population.

(2) No person shall take this species, except:

(i) In accordance with a valid permit issued by the Service under § 17.32 for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or

(ii) As authorized by the laws and regulations of the Commonwealth of the Northern Mariana Islands, after the Service has made the determination that the experimental population has become well established and occupies all suitable habitat island-wide.

(3) Any employee of the Service, the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife, or the Guam Division of Aquatic and Wildlife Resources who is designated for such purposes, may, when acting in the course of official duties, take a Guam rail without a permit if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen;

(iii) Salvage a dead specimen that may be useful for scientific study; or

(iv) Take an animal that is responsible for depredations to personal property if it has not been possible to otherwise eliminate such depredations and/or loss of personal property, provided that such taking must be done in a humane manner and may involve injuring or killing the bird only if it has not been possible to eliminate depredations by live capturing and releasing the specimen unharmed in other suitable habitats.

(4) Any violation of applicable commonwealth of the Northern Mariana Islands fish and wildlife conservation laws or regulations with respect to the taking of this species (other than taking as described in paragraph (f)(2)(ii) of this section) will also be a violation of the Endangered Species Act.

(5) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these regulations or in violation of applicable Commonwealth of the Northern Mariana Islands fish and wildlife laws or regulations or the Endangered Species Act.

(6) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (f) (2) through (5) of this section.

(7) The sites for introduction of Guam rails on Rota, Commonwealth of the Northern Mariana Islands, are on an island separated from Guam by 50 kilometers of ocean. The last known observation of an individual of this species occurred near the northern tip of Guam, which is closest to the island of Rota. No intermingling of these populations will occur since this species has been extirpated in the wild on Guam. The Rota release sites are of necessity outside the historic range of the Guam rail, as described in this regulation, because its primary range has been unsuitably and irreversibly destroyed by the brown tree snake.

(8) The nonessential experimental population on Rota will be checked

periodically by staff of the Commonwealth of the Northern Mariana Islands Division of Fish and Wildlife and cooperating staff from the University of Tennessee to determine dispersal patterns, mortality, and reproductive success. The overall success of the releases and general health of the population will also be assessed.

* * * * *

Dated: October 16, 1989.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 89-25439 Filed 10-27-89; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 90637-9166]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial fishery in the Exclusive Economic Zone for king mackerel from the western zone of the Gulf migratory group. The Secretary has determined that the commercial quota for Gulf group king mackerel from the western zone was reached on October 24, 1989. This closure is necessary to protect the overfished Gulf king mackerel resource.

EFFECTIVE DATE: Closure is effective at 12:01 a.m., local time, October 25, 1989, until 12:00 p.m. (midnight) local time, June 30, 1990.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources for the Gulf of Mexico and the South Atlantic, as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and is implemented by regulations at 50 CFR part 642. Regulations effective July 1, 1989, through June 30, 1990. Those regulations set the commercial allocation at 1.36 million pounds divided into quotas of 0.94 million pounds for the eastern zone and 0.42 million pounds for the western zone (54 FR 30554, July 21, 1989). The boundary between the eastern and western zones is a line directly south from the Florida/Alabama boundary (87°31'06" W. longitude) to the outer limit of the Exclusive Economic Zone.

Under § 642.22(a), the Secretary is required to close any segment of the king mackerel commercial fishery when its allocation or quota has been reached, or is projected to be reached, by publishing a notice in the **Federal Register**. The Secretary has determined that the commercial quota of 0.42 million pounds for the western zone of the Gulf migratory group king mackerel was reached on October 24, 1989. Hence, the commercial fishery of Gulf group king mackerel form the western zone is closed effective 12:01 a.m., October 25, 1989, through June 30, 1990, the end of the fishing year.

Except for a person on a charter vessel, during the closure, no person aboard a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the Exclusive Economic Zone king mackerel from the western zone. A person aboard a charter vessel may continue to fish for king mackerel in the western zone under the bag limit set forth in § 642.28(a)(1), provided the vessel is under charter, i.e., there are more than three persons aboard, including captain and crew. During the closure, king mackerel from the western zone taken in the Exclusive Economic Zone, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the western zone that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Other Matters

This action is required by 50 CFR 642.22(2) and complies with Executive Order 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 24, 1989.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-25438 Filed 10-24-89; 4:51 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 208
Monday, October 30, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 89-ASW-38]

Proposed Revision of Transition Area; Clovis, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to revise the transition area located at Clovis, NM. The development of a new standard instrument approach procedure (SIAP) to the new Portales Municipal Airport, utilizing the relocated Portales Nondirectional Radio Beacon (NDB), has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the new SIAP to the new Portales Municipal Airport. Coincident with this proposal would be the changing of the status of the new Portales Municipal Airport from visual flight rules (VFR) to instrument flight rules (IFR).

DATE: Comments must be received on or before December 22, 1989.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 89-ASW-38, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530.

The official docket may be examined in the Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administraton, 4400 Blue Mound Road, Forth Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530; telephone: (817) 624-5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 89-ASW-38." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at Clovis, NM. The old Portales Airport has been closed and the existing Portales NDB relocated. The development of a new NDB RWY 1 SIAP to the new Portales Municipal Airport, utilizing the Portales NDB in its new location, has necessitated this proposal. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing the NDB RWY 1 SIAP to the new Portales Municipal Airport. Coincident with this proposal would be the changing of the status of the new Portales Municipal Airport from VFR to IFR. Secton 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6E dated January 3, 1989.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Clovis, NM [Revised]

That airspace extended upward from 700 feet above the surface within a 23-mile radius of Cannon Air Force Base, Clovis, NM (latitude 34°23'01" N., longitude 103°18'58" W.); within 75 miles north and 2 miles south of the Texico VORTAC (latitude 34°29'42" N. longitude 102°50'21" W.) 254' and 074' radials, extending from the 23-mile radius area to 1.5 miles east of the Texico VORTAC; and within an 8-mile radius of the Portales Municipal Airport (latitude 34°08'44" N., longitude 103°24'36" W.), and within 3.5 miles each side of the 210° bearing of the Portales NDB (latitude 34°09'04" N., longitude 103°24'21" W.), extending from the 8-mile radius area to 11.5 miles southwest of the Portales Municipal Airport.

Issued in Fort Worth, TX on October 16, 1989.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 89-25451 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-13-M

Notices

Federal Register
Vol. 54, No. 208
Monday, October 30, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Docket No. 7574S]

Closing Date for Applications for the Federal Crop Insurance Advisory Committee

The Federal Crop Insurance Corporation (FCIC) hereby serves notice to all interested parties of the closing date for accepting applications for membership on the Federal Crop Insurance Corporation Advisory Committee.

On Friday, September 22, 1989, FCIC published a notice in the **Federal Register**, at 54 FR 39024, of its intention to establish an Advisory Committee. FCIC herewith re-publishes the notice and provides that December 1, 1989, is the closing date for accepting applications.

The Committee will provide a forum for discussion of a wide variety of issues concerning the development and promotion of crop insurance protection offered by FCIC.

Under the authority contained in the Federal Crop Insurance Act (7 U.S.C. 1501 *et seq.*) (the Act), FCIC offers crop insurance protection to agricultural producers through a dual delivery system; direct delivery to the insured through private insurance company contractors under an Agency Sales and Service Contract and by reinsuring crop insurance policies sold by private insurance companies reinsured by the FCIC under the provisions of a Reinsurance Agreement.

The function of the Committee will be to bring together parties affected by, or interested in, issues concerning marketing, actuarial determinations, and claims associated with the crop insurance program.

The Committee will discuss new technologies, the upgrading of product design, marketing strategies, processing systems procedures, education, and actuarial determinations.

The Committee will not exceed 25 members, including a limited number of Department of Agriculture employees, with the remainder representing the insurance and agricultural industries. The Committee will meet four (4) times yearly.

Applications for membership consideration are being solicited by the FCIC until the close of business on December 1, 1989. Interested parties will be required to submit a background inforation Form AD–755 (OMB Approval No. 050–0001). Copies of an AD–755 may be secured by contacting the following individual: David W. Gabriel, Acting Deputy Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone (202) 447–6795.

The Department of Agriculture's programs are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, or marital status.

Further, it is the Secretary of Agriculture's policy that membership on USDA Boards and committee's reflect, to the extent practicable, the diversity of individuals served by the programs.

Done in Washington, DC, on October 23, 1989.

John Marshall,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 89–25493 Filed 10–27–89; 8:45 am]

BILLING CODE 3410–08–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1990 Coverage Followup Form
Form Number: D–1018A, D–1018B
Agency Approval Number: None
Type of Request: New collection
Burden: 32,248 hours
Number of Respondents: 193,490
Avg Hours per Response: 10 minutes
Needs and Uses: This survey is part of a research program that focuses on the use of sampling to improve coverage in a decennial census. During the 1990 census, interviewers will use this form in followup activities at a sample of nonrespondent households to ask a set of supplemental questions. Similarly, interviewers will ask these questions during telephone followup activities for a sample of respondents. Census Bureau analysis will focus on the feasibility of sampling in future censuses, in the event that a sample census is allowed by law
Affected Public: Individuals or households
Frequency: One time only
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–25457 Filed 10–27–89; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Survey of Plant Capacity Utilization
Form Number: MQ–C1
Agency Approval Number: 0607–0175
Type of Request: Revision of a currently approved collection
Burden: 11,295 hours
Number of Respondents: 9,045

Avg Hours per Response: 1 hour and 15 minutes
Needs and Uses: This survey provides information on use of industrial capacity by Standard Industrial Classification (SIC) for manufactured products and is the only statistical series that provides 4-digit SIC data for use in other Government economic series. Data are used by Government agencies, business firms, trade associations, and research organizations to measure inflationary pressures and capital flows, to understand productivity determinants, and to analyze and forecast economic and industrial trends
Affected Public: Businesses or other for-profit organizations
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–25458 Filed 10–27–89; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Census
Title: Motor Freight Transportation and Warehousing Survey (WATS)
Form Number: B–514, B–515, B–524, B–525
Agency Approval Number: 0607–0510
Type of Request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection
Burden: 2,100 hours
Number of Respondents: 1,491
Avg Hours per Response: 1 hour and 25 minutes
Needs and Uses: The Census Bureau conducts the WATS annually to obtain financial information for for-hire trucking and warehousing services. This survey is part of a broad-based multi-year program to expand coverage and improve statistics for service-related industries and is the only annual source of data for the universe of employer firms providing for-hire trucking and warehousing services. Federal government agencies use the data for computations of the national accounts. The private sector uses the data for market analysis
Affected Public: Businesses and other for-profit organizations and small businesses or organizations
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–25459 Filed 10–27–89; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Census
Title: 1991 Residential Finance Survey
Form Number: D–2900, D–2901, D–2902, D–2903(L)
Agency Approval Number: None
Type of Request: New collection
Burden: 43,200
Number of Respondents: 324,000
Avg Hours per Response: 8 minutes
Needs and Uses: The Residential Finance Survey (RFS) is a mail-out survey with personal visit follow-up to be conducted as part of the 1990 census of housing. It provides detailed data concerning the financial of non-farm, privately-owned residential properties. Federal agencies use RFS data in conjunction with statistics from other sources in assessing public policies affecting real estate, mortgage banking, economic policy, social welfare, and related areas of concern
Affected Public: Individuals of households and businesses and other for-profit institutions
Frequency: One time only
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: October 24, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89–25456 Filed 10–27–89; 8:45 am]

BILLING CODE 3510–07–M

Bureau of Export Administration

[Docket Nos. 9103–01 and 9103–02]

Ruben Sanchez and Oficina Tecnica Ruben Sanchez CA, Respondents; Clarification of Order

On September 14, 1989, the Acting Under Secretary for Export Administration issued the Agency's Final Decision and Order in the above-captioned proceedings. In the Matter of Ruben Sanchez, individually and doing business as Oficina Tecnica Ruben Sanchez CA, 54 FR 39026 (Sept. 22, 1989). Because of an ambiguity in the Administrative Law Judge's Recommended Decision and Order, which the Acting Under Secretary affirmed, the Agency's Final Decision and Order must be clarified. The following clarifying statements are hereby added to that Final Decision and Order:

Delete from the second sentence of the section entitled "Summary" in the Agency's Final Decision and Order "Commencing one year from this date" and insert in lieu thereof: "While it is clear that the Administrative Law Judge intended that respondents' one-year denial period be suspended for one year beginning on the date of the entry of the Final Order, the ALJ's Recommended Order is

unclear in that regard. To the extent that the ALJ's Recommended Order indicates that the denial period is not suspended until one year from the date of this Final Order, the language of that Recommended Order is hereby modified to comply with the ALJ's intent. Beginning on the date of this Final Order * * *."

Delete the period after the acronym "ALJ" in the third sentence in the first section entitled "Order" in the Agency's Final Decision and Order, and insert in lieu thereof; "except for the language of Paragraph II in the section of the ALJ's recommended Order entitled '*ORDER*' which indicates that the denial of respondents' export privileges will not be suspended until one year from the date of this Final Decision and Order. I order that respondents' denial period be suspended for a period of one year from the date of this Final Decision and Order, as was actually intended by the ALJ. All other terms concerning the conditions of that suspension and the termination of the denial period set forth in the ALJ's recommended Order are affirmed."

Dated: October 20, 1989.

Dennis E. Kloske,

Under Secretary for Export Administration.

Amendment of Decision and Order

This Amendment corrects an editorial error in the September 14, 1989 Order issued in this matter (54 FR 39026, Sept. 22, 1989). The purpose of that Order was to impose on Respondents a suspended one-year denial of U.S. export privileges. Because of two excess words in Paragraph II of the August 24, 1989 Order signed by the undersigned and affirmed by that September 14, 1989 Order, however, the period of suspension was scheduled to begin only after the end of the one-year denial period. This Amendment corrects that scheduling by providing that the one-year suspension shall begin simultaneously with the one year of denial, so that the denial is suspended from its outset.

Order

Paragraph II of the undersigned's August 24, 1989 Order, as affirmed by the Order of September 14, 1989, is amended by deleting from the first sentence its second and third words—"one year"—so that the sentence shall read as follows.

Commencing from the date of the final Agency action, the denial of export privileges set forth in Paragraph I above shall be suspended, in accordance with § 788.16 of the Regulations, for one year, and shall be terminated at the end of such year, provided that Respondents have committed no further violation of the Act, the Regulations, or the final Order entered in this proceeding.

All other terms and conditions of the August 24, 1989 Order, as affirmed by the Order of September 14, 1989, shall remain in full force and effect as originaly issued.

Dated: October 17, 1989.

Thomas W. Hoya,

Administrative Law Judge.

[FR Doc. 89-25435 Filed 10-27-89; 8:45 am]

BILLING CODE 3510-DT-M

[Docket No. 1613-01, 02, 03]

Action Affecting Export Privileges; Spawr Optical Research, Inc.

In the matter of: Walter J. Spawr, Frances A. Spawr, Spawr Optical Research, Inc. Respondents.

Summary

On August 29, 1989, the Administrative Law Judge (ALJ) entered a Recommended Decision and Order of Modification of the ALJ's Order of January 27, 1986, as affirmed by Secretarial Order on February 26, 1986 (51 FR 7477 *et seq.*, March 4, 1986). The Order of Modification was referred to me pursuant to the Export Administration Act of 1979, 50 U.S.C. app. 2401-2420 as amended, for final action. I concur with the Recommended Decision and affirm the Order of Modification. The Order of January 27, 1986, is hereby modified to suspend the last two years of the denial of export privileges of respondents Walter J. Spawr, Francis A. Spawr and Spawr Optical Research, Incorporated for six years. The respondents shall be on probation until their export privileges are restored on February 27, 1992.

Order

On August 29, 1989, the Administrative Law Judge entered his Recommended Decision and Order of Modification, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. Having examined the record in this case, I hereby affirm the Recommended Decision and Order of Modification of the Administrative Law Judge.

This constitutes final agency action in this matter.

Dated: October 20, 1989.

Dennis E. Kloske,

Under Secretary for Export Administration.

ORDER ON MOTION

In the matter of: Walter J. Spawr, Frances A. Spawr, Spawr Optical Research, Inc., Respondents.

Appearance for Respondent: Steven R. Perles, Esq., Scot C. Whitney, Esq., 1629 K Street, NW., Suite 601, Washington, DC 20006.

Appearance for Agency: Thomas C. Barbour, Esq., Office of the Chief Counsel for Export Administration, U.S. Department of Commerce, Room H-3329, 14th & Constitution Ave., NW., Washington, DC 20230.

Preliminary Statement

On October 4, 1988, Respondent's filed a Motion to Amend Order Denying Export Privileges. The case has a long history which is detailed in the appended Decision and Order issued January 27, 1986, and confirmatory action of February 26, 1986 (51 FR 7477 et seq., March 4, 1986). The motion requests that the denial order be amended to terminate effective November 10, 1988.

Following the exchange of written submissions the matter was assigned to Administrative Law Judge Thomas W. Hoya on March 22, 1989. In response to a request that he disqualify himself, an Order of recusal was issued by Judge Hoya on April 10, 1989.

Discussion

In his filings Counsel represents that since Respondents have satisfied the criminal sanctions of the Federal District Court; have completed their probation and have been absolved from payment of the balance of the criminal penalty, favorable consideration should be given to remitting the balance of the period of the administrative denial of export privileges.

Agency Counsel opposes any mitigation arguing that the fulfillment or disposition of the federal criminal proceedings is not a grounds for modification of the denial order. He also contends that the action requested is a reopening of the proceedings, prohibited by § 788.18, footnote 2 of the Regulations, and that a document submitted with the request has not been shown to be relevant to the Motion.

Requests to modify, grant exceptions to, and/or render interpretations of, Denial Orders in Export compliance cases were commonplace and a substantial part of the practice before the Hearing Commissioner a decade ago and earlier. Since 1985, Exceptions, that is, requests to conduct a specified transaction or transactions by or with a denied party are subject to a reporting requirement to Congress under § 11.(c)(3) of the Export Adminstration Act. This office is not aware of any recent practice in that area. The procedure outlined in § 787.12 of the Regulations (15 CFR 787.12) may provide such mechanism. Interpretations, appear to be in a limbo status and without a system or method of promulgation. The third category, Modifications, which are

at issue here, are involved when it is contemplated that the terms of a denial order published in the Federal Register will be altered. These warrant publication of the change to give notice to those in the public sector who are charged with the knowledge of, and adherence to the provisions of such orders. These too were frequent over a decade ago, but this process also appears to have fallen into disuse.

The objections and requests will be discussed seriatim.

A. Agency Counsel's Objection to Exhibit C and D—Operation Committee Document #5653 and Referral Form

These are very obviously documents from the Agency records made in 1976, at or about the time the license application was denied. It is my view that they have little bearing on the question for consideration here. The fact that some of those who participated in the license application consideration process viewed the request favorably, loses much significance, for the record reflects that the application was denied and this was conveyed to Respondents. Nevertheless, the items were exported without a license.

B. Authority to Modify Denial Orders

Agency Counsel's argument that the Secretary and his delegee lack authority to modify denial orders, misconstrues the nature of the relief requested and is erroneous. This is not a reopening as contemplated under § 788.18. So long as a denial continues to be published in the Table of Denial Orders (Supp. 1 to Part 788), the Secretarial delegee may act with respect to it. While it may be appropriate to establish a time, after which new evidence or a retrying of the case in chief will be barred, the Secretary through his delegee should and does retain the power to act with respect to outstanding sanctions. This is demonstrated by the recent action in Kubicek 54 FR 13716 et seq., April 5, 1989 where, almost 3 years after the initial action the final Agency action was unilaterally changed.

C. Satisfaction of the Federal Criminal Sanctions

Agency Counsel's representation is that the expiration or completion of the criminal sentence does not constitute a sufficient basis for reconsideration. On behalf of the Respondent's it is argued that the expiration of the 5-year probation period, the correspondence reflecting the good conduct and therefore the rehabilitation of Respondent's and the act of mitigating $18,800 of the criminal fine, in combination, reflect that Respondents have been restored and that favorable consideration should be given to remission of the remainder of the civil administrative sanctions as well.

The disposition of this request is a matter within the authority and sound discretion of the Secretarial delegee responsible for Administration of the Export Administration Act.

The background recited above, as well as the criminal conviction and administrative adjudication, attest to the seriousness of the violations. The export of controlled commodities to the Soviet Union after denial of license applications was and is a very serious matter. (See Findings pp 6 & 7 Decision and Order of January 27, 1986).

Nevertheless, the request for clemency following the termination of the opprobrious effect of the federal criminal sanctions is understandable and may be considered as an appropriate approach to restore this business and its owners to fully productive citizenship.

These compliance proceedings are not penal in nature. The criminal process, which included confinement, probation and a fine, addressed that aspect of the matter. In reviewing the available historic records relating to the purpose of these administrative proceedings it is repeatedly asserted that they are remedial not penal. The following notes, quoted from the Hearing Commissioners desk handbook, bear review and consideration.

SANCTIONS—Nature of

This is not a penal proceeding but rather it is a remedial proceeding to bring about effective enforcement or adherence to the law. A primary means for attaining that objective is the educational value which the denial of export privileges has on persons concerned with exportation of goods from the U.S.

Corrective and deterrent, normal objectives of remedial action.

The cases referenced under that note include the following:

The action finally taken in these compliance cases is not intended primarily to inflict a penalty. True, it may result in some financial impact. However, this has corrective and deterrent values, normal objectives of remedial action. In these cases the Bureau of Foreign Commerce carries out the mandate of the Congress, which is to effectuate the policies set forth in the Act and make regulations governing the participation in exports by any person "to the extent necessary to achieve effective enforcement of this Act." Bertling No. 261 Order of July 16, 1959.

and,

* * * this is not a penal proceeding, but rather a remedial proceeding intended to achieve more effective enforcement of the law. (See Country Garden Market vs. Bowles 1944, U.S.C.A.D.C., 78 U.S. App. D.C. 381, 141 F.2d 540, Cert. den. 322 U.S. 752; Di Melia vs. Bowles, 1945, C.C.A. Mass., 148 F.2d 725, Cert. den. 325 U.S. 886; Steuart & Bro. vs. Bowles, 1944, 78 U.S. App. D.C. 350, 140 F.2d 703).

Stemmler, Imex et al No. 1991 Order of Oct. 27, 1955.

Certainly when considered with the actions in other cases the period of actual administrative denial for over 8 years, since February 24, 1981, when the Temporary Denial Order issued, is substantial. In any event these respondents export privileges will be restored in February 1992 upon the expiration of the present denial order. A period of probation in preparation for that expiration and in recognition of the rehabilitation which has been acknowledged in the judicial process appears to be in order.

I believe that a suspension of the last two years of the current denial, starting February 27, 1990, would be appropriate and would aid in the patterned rehabilitation of these Respondent's.

The Motion to Amend is granted in part.

Order of Modification

The Order of January 27, 1986 as affirmed by Secretarial Order on February 26, 1986 (51 FR 7477 et seq., March 4, 1986) is hereby Modified to insert the following as Paragraph III:

III. Commencing four years from the date of the final Agency action, taken on February 26, 1986, the denial of export privileges set forth in Paragraph II above shall be suspended, in accordance with Section 788.16 of the Regulations, for the remaining two years of the six-year period set forth in Paragraph II above, and shall be terminated at the end of such six year period, provided that Respondents have committed no further violations of the Act, the Regulations, or the final Orders entered in this proceeding. During the two-year suspension period, Respondents may participate in transactions involving the export of U.S.-origin commodities or technical data from the United States or abroad in accordance with the requirements of the Act and the Regulations. The provisions of Paragraphs IV and V of this Order as amended shall also be suspended during such two-year period.

Paragraphs's III through V of the Order of January 27, 1986 as affirmed are hereby renumbered as IV through VI.

So ordered.

Dated: August 29, 1989.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 89-25636 Filed 10-27-89; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[C-333-401]

Cotton Shop Towels From Peru; Determination Not To Terminate Suspended Investigation

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of determination not to terminate suspended investigation.

SUMMARY: The Department of Commerce is notifying the public of its determination not to terminate the suspended countervailing duty investigation on cotton shop towels from Peru.

EFFECTIVE DATE: October 30, 1989.

FOR FURTHER INFORMATION CONTACT: Megan Pilaroscia or Linda Ludwig, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

On September 15, 1989, the Department of Commerce ("the Department") published in the **Federal Register** (54 FR 38262) its intent to terminate the suspended countervailing duty investigation on cotton shop towels from Peru (September 12, 1984, 49 FR 35835). The Department may terminate a suspended investigation if the Secretary concludes that the agreement is no longer of interest to interested parties. The Department has not received a request to conduct an administrative review of the agreement suspending the countervailing duty investigation on cotton shop towels from Peru for four consecutive annual anniversary months.

On September 11, 1989, the petitioner, Milliken & Company, objected to the Department's intent to terminate this suspended investigation. Therefore, we no longer intend to terminate the suspended investigation.

This notice is in accordance with § 355.25(d)(4) of the Commerce Department's revised regulations published in the **Federal Register** of December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 355.25)(d)(4).

Dated: October 20, 1989.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-25415 Filed 10-27-89; 8:45 am]

BILLING CODE 3510-DS-M

(C-421-601)

Standard Chrysanthemums From the Netherlands; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on standard chrysanthemums from the Netherlands. We preliminarily determine the net subsidy to be 0.66 percent *ad valorem* for the period October 27, 1986 through December 31, 1986, and 0.57 percent *ad valorem* for the period January 1, 1987 through December 31, 1987. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: October 30, 1989.

FOR FURTHER INFORMATION CONTACT: Philip Pia or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 7646) a countervailing duty order on standard chrysanthemums from the Netherlands. On March 25, 1988, the respondent, the Association of Dutch Flower Auctions, requested that we conduct an administrative review of the order. We published the initiation on April 27, 1988 (53 FR 15083). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of Dutch standard chrysanthemums. During the review period, such merchandise was classifiable under item 192.2120 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item 0603.10.70. The written description remains dispositive.

The review covers the period October 27, 1986 through December 31, 1987 and eight programs.

Analysis of Programs

(1) Natural Gas Provided at Preferential Rates

Natural gas in the Netherlands is sold directly to major customers by the N.V. Nederlandse Gasunie (Gasunie). The Agricultural Industrial Board, or "Landbouwschap," is a quasi-governmental body that negotiates with Gasunie to determine prices and general terms of gas delivery for Dutch greenhouse growers. Gasunie is 40 percent owned by DSM Aardgas (a company wholly-owned by the Government of the Netherlands), 10 percent by the Government of the Netherlands, 25 percent by Shell Nederland, and 25 percent by Esso Nederland N.V. While the Government of the Netherlands does not own a controlling interest in Gasunie, it plays a significant role in the setting of natural gas prices. The Minister of Economic Affairs reserves the right to approve selling prices and terms of delivery for supplies to public distributors in the Netherlands, large export contracts, and contracts between Gasunie and the Landbouwschap. In this respect, the Minister's approval is an important part of the system of controls normally applied to negotiated prices.

The Landbouwschap is a statutory trade organization created under the Industrial Organizations Act. Its chairman is approved by the Government of the Netherlands, and its purpose is to represent the economic and political interests of the agricultural sector in the Netherlands.

Natural gas prices are based on consumption levels which are broken down into five categories or "zones"—zones "a" through "e". Zone "a" users

are small gas consumers, such as homeowners or small businesses, which use less than 170,000 cubic meters (m^3) of gas per year; zone "e" users are the largest consumers, such as industries, which use more than 50 million m^3 of gas per year. Zone "a" users pay the highest price per m^3; zone "e" the lowest.

Greenhouse growers, through the Landbouwschap, negotiated a contract in October 1984 with Gasunie for their natural gas. Under the contract, which was in effect from October 1, 1984 through October 1, 1985, greenhouse growers pay the zone "d" rate plus 0.5 guilder cents per m^3 of gas. Absent the contract, most greenhouse growers, given their individual consumption levels, would fall in zone "a" or zone "b", with a few falling in zone "c".

In the October 1984 contract negotiated with Gasunie by the Landbouwschap on behalf of greenhouse growers, a maximum ceiling price was established. In the Final Affirmative Countervailing Duty Determination: Certain Fresh Cut Flowers From the Netherlands (52 FR 3301, February 3, 1987) ("Netherlands Flowers"), we determined that the contract with the provision of a price ceiling constitutes preferential treatment because: (a) comparable users of natural gas enjoy no such price ceiling; (b) the contract constituted governmental provision of natural gas—the Dutch government owns 50 percent of Gasunie, the Minister of Economic Affairs must approve the contract between Gasunie and the Landbouwschap, and the Landbouwschap itself is a quasi-governmental organization; and (c) the contract involves the provision of natural gas to a specific industry (*i.e.*, greenhouse growers). Accordingly, in "Netherlands Flowers," we calculated the benefit to greenhouse growers based on the difference between the price of gas actually paid by greenhouse growers in 1985 and the zone "d" plus 0.5 guilder cents price they would have had to pay under the contract absent the ceiling price.

In June 1985, a contract was signed between the Landbouwschap and Gasunie that superseded the October 1984 contract. The June 1985 contract maintained the same zone "d" rate per m^3 of natural gas, but it established a higher ceiling price for the month of June 1985, 45 guilder cents per m^3, after which the ceiling reverted to the original 42.5 guilder cents per m^3. This contract was in effect from June 4, 1985 through October 1, 1987.

In September 1985, Gasunie informed the Landbouwschap that it was withdrawing the ceiling price from the contract. In its letter, Gasunie explained that it took this action to comply with the EC Commission's decision of January 13, 1985, which found the ceiling price in violation of Community statute. In "Netherlands Flowers", we stated that since the withdrawal of the ceiling price was a unilateral action contested by the Landbouwschap, and because no new contract had been signed between the parties agreeing to the withdrawal by the time of our final determination, the June 1985 contract technically still included the ceiling price. Therefore, we did not consider the unilateral withdrawal of the ceiling price as a verified program-wide change for purposes of calculating a separate deposit rate. In August 1987, a new contract was negotiated between the Landbouwschap and Gasunie for the period October 1, 1987 through October 1, 1989. The price of gas to greenhouse growers remained the zone "d" rate plus 0.5 guilder cents per m^3, but the contract contained no provision for a ceiling price.

Because we verified that the price of natural gas supplied to greenhouse growers for the period October 27, 1986 through September 30, 1987 was lower than the ceiling price, we preliminarily determine the net subsidy for this same period to be zero.

For the period October 1, 1987 through December 31, 1987, the contract in effect between Gasunie and the Landbouwschap contained no provision for a ceiling price. Therefore, we preliminarily determine that this contract does not confer a countervailable benefit.

(2) Aids for the Creation of Cooperative Organizations

Under European Community (EC) Regulation 355/77, the EC has provided grants to Dutch auction houses, which are flower grower cooperatives. These funds are provided by the EC through the Agricultural Guidance and Guarantee Fund with matching grant contributions from EC member states. The purpose of the program is to improve the processing, marketing and distribution of agricultural products in member states.

The Government of the Netherlands submitted a program proposal to the EC in 1979 for flower auctions. In 1980, the EC approved the program for a four-year duration. This program terminated at the end of 1984; however, project applications submitted to the EC by December 1984 were eligible for, and received, grant approval through June 1985. In February 1985, the Government of the Netherlands requested an extension of the flower auction program, but withdrew this request in March 1986. We verified that grants are still being disbursed under the flower auction program for investment projects approved through June 1985.

Because the Government of the Netherlands selects only certain activities and/or products within the agricultural sector for which it proposes a program to the EC for funding, and because we saw no evidence of standard criteria applied in the approval of programs by the EC, we determine that this grant program is administered in such a way as to be limited to a specific enterprise or industry, or group of enterprises or industries in the Netherlands and is, therefore, countervailable.

To calculate the benefit from this program, we used a declining balance grant methodology. We took the total value, in guilders, of grants given in each year to flower auction houses under this program and allocated these amounts over ten years, which is the average useful life of renewable physical assets in the agricultural sector as determined under the U.S. Internal Revenue Service's Asset Depreciation Range System. We used as the discount rate the average interest rate for long-term commercial loans published by the Netherlands Bank (the Central Bank), for each year in which grants were provided. We took the total of the benefits from these grants allocated to each year and divided the benefits by the f.o.b. value of total auction sales in that year. On this basis, we preliminarily determine the net subsidy to be 0.15 percent *ad valorem* for the period October 27, 1986 through December 31, 1986, and 0.13 percent *ad valorem* for calendar year 1987.

(3) Glasshouse Enterprises Program

Under the Glasshouse Enterprises Program, the Ministry of Agriculture and Fisheries provided grants to greenhouse growers in order to stimulate private investment in energy saving methods in the horticulture industry. The program was scheduled to terminate in 1984; however, the fund was not fully used, and was extended for one year to June 1985. Grants for energy saving investment plans approved prior to the termination of the program were still being disbursed in 1986 and 1987.

Because this program was available only to greenhouses, we determine that it was limited to a specific enterprise or industry or group of enterprises or industries and provides a countervailable domestic subsidy.

To calculate the benefit from this program, we used a declining balance

grant methodology. For each of the years 1982 to 1987, we took the total amount of grants provided to all Dutch greenhouse growers under this program and allocated these amounts over ten years, which is the average useful life of renewable physical assets in the agricultural sector. We used as the discount rate the average interest rate for long-term commercial loans published by the Netherlands Bank (the Central Bank), for each year in which grants were provided. We took the total of the benefits from these grants allocated to each year and divided the benefits by the f.o.b. value of total greenhouse sales in that year. On this basis, we preliminarily determine the net subsidy to be 0.50 percent *ad valorem* for the period October 27, 1986 through December 31, 1986, and 0.44 percent *ad valorem* for calendar year 1987.

(4) Aids for the Reduction of Glass Surface

Under the Aids for the Reduction of Glass Surface program, the Ministry of Agriculture and Fisheries provided grants to greenhouse growers for the purpose of increasing the energy efficiency of greenhouses by dismantling existing glass and replacing it with modern energy-saving glass. The program was established in October 1982 and terminated in November 1984. However, grants approved prior to the termination of the program were still being disbursed in 1985.

Because this program was available only to greenhouses, we determine that it was limited to a specific enterprise or industry or group of enterprises or industries and provides a countervailable domestic subsidy.

To calculate the benefit from this program, we used a declining balance grant methodology. For each of the years 1983 to 1985, we took the total amount of grants provided to all Dutch greenhouse growers under this program and allocated these amounts over ten years, which is the average useful life of renewable physical assets in the agricultural sector. We used as the discount rate the average interest rate for long-term commercial loans published by the Netherlands Bank (the Central Bank), for each year in which grants were provided. We took the total of the benefits from these grants allocated to each year and divided the benefits by the f.o.b. value of total greenhouse sales in that year. On this basis, we preliminarily determine the net subsidy to be 0.006 percent *ad valorem* for the period October 27, 1986 through December 31, 1985, and 0.005 percent *ad valorem* for calendar year 1987.

(5) Steam Drainage Systems

In January 1981, the Government of the Netherlands banned the use of methylbromide as a means of soil disinfection due to the potential health hazards caused by the chemical. In December 1981, the Ministry of Agriculture and Fisheries established a program making available cash grants to encourage the use of steam drainage as an alternative method of soil disinfection for greenhouses. The program was terminated in September 1984. However, some grants were disbursed in 1985 because of lags in processing the applications.

Because this program was only available to greenhouse growers, we determine it was limited to a specific enterprise or industry, or group of enterprises or industries and provides a countervailable domestic subsidy.

To calculate the benefit from this program, we used a declining balance grant methodology. For each of the years 1982 to 1985, we took the total amount of grants provided to all Dutch greenhouse growers under this program and allocated these amounts over ten years, which is the average useful life of renewable physical assets in the agricultural sector. We used as the discount rate the average interest rate for long-term commercial loans published by the Netherlands Bank (the Central Bank), for each year in which grants were provided. We took the total of the benefits from these grants allocated to each year and divided the benefits by the f.o.b. value of total greenhouse sales in that year. On this basis, we preliminarily determine the net subsidy to be 0.005 percent *ad valorem* for the period October 27, 1986 through December 31, 1986, and 0.007 percent *ad valorem* for calendar year 1987.

(6) Guarantee Fund for Agriculture

The Stichting Borgstellingsfonds voor de Landbouw (Foundation Security Fund for Agriculture, or "the Fund") is used to guarantee the servicing and repayment of loans made by banks to farmers. The Fund acts as an institutional guarantor, not as a lender itself, providing guarantees only when the security offered by the farmer in question is inadequate for the total amount of the loan. Not until all of the farmer's own securities or collateral have been provided for the loan can an application be made to the Fund. If an application to the Fund is approved, the guarantee applies only to the portion of the loan not originally approved by the bank.

In "Netherlands Flowers", we found that horticulture received a disproportionate share of loan guarantees under this program. Our determination was based on a comparison of the relative shares of horticulture in total loan guarantees in each year from 1982 to 1984, and total agricultural production for 1985.

In addition, in "Netherlands Flowers," because we found that there are no commercial loan guarantees available in the Netherlands, we calculated the benefit from this program using the best information available at that time; *inter alia*, we multiplied the total outstanding value of guaranteed loans to horticulture in 1985 by the difference between the interest rate on the guaranteed loans and on loans secured by equipment and/or accounts receivable, as reported by the Rabobank Nederland.

In this review, however, we verified that all of the borrowing by greenhouse growers in 1986 and 1987, including the portions of the loans guaranteed by the Fund, was contracted at commercial interest rates. The greenhouse grower secured the greater portion of the loan with his own collateral. The interest rate was negotiated based on a normal credit analysis consistent with commercial considerations. In every case, the Fund guaranteed a small portion of the loan at the interest rate that was contracted between the greenhouse grower and a private bank before application to guarantee an incremental amount was made to the Fund. Therefore, because we find no difference between the commercial interest rate in the Netherlands and the rate charged by the Fund for its guarantees, we preliminarily determine the benefit from this program to be zero.

(7) Other Programs

We preliminarily determine that exporters or producers of standard chrysanthemums did not use the following programs during the review period:

a. Investment Incentive (WIR)—Regional Program; and

b. Loans at preferential interest rates.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy to be 0.66 percent *ad valorem* for the period October 27, 1986 through December 31, 1986, and 0.57 percent *ad valorem* for the period January 1, 1987 through December 31, 1987.

In accordance with section 705(a)(1) of the Tariff Act, the final determination

in this case was extended to coincide with the antidumping final determination on several cut flowers investigations. Because we cannot impose suspension of liquidation for more than 120 days without the issuance of a countervailing duty order, we terminated the suspension of liquidation for entries or withdrawals made on or after February 25, 1987 and before March 12, 1987, the date of publication of the countervailing duty order.

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of 0.66 percent of the f.o.b. invoice price on all shipments of Dutch standard chrysanthemums entered, or withdrawn from warehouse, for consumption on or after October 27, 1986 and exported on or before December 31, 1986. The Department also intends to instruct the Customs Service to assess countervailing duties of 0.57 percent of the f.o.b. invoice price on all shipments exported on or after January 1, 1987 and entered or withdrawn from warehouse, for consumption on or before February 24, 1987, and entered or withdrawn from warehouse, for consumption on or after March 12, 1987, and exported on or after December 31, 1987.

The Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 0.57 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days after the date of publication. Any hearing, if requested, will be held 44 days from the date of publication or the first workday thereafter. Rebuttal briefs and rebuttals to written comments, limited to issues in those comments, must be filed not later than 37 days after the date of publication. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the **Federal Register** on December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 355.22).

Dated: October 20, 1989.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-25416 Filed 10-27-89; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination of whether the Certificate should be amended. An original and five (5) copies should be submitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1223H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 85-2A018."

OETCA has received the following application for an amendment to Export Trade Certificate of Review No. 85-00018, which was issued on June 3, 1986 (51 FR 20873, June 9, 1986).

Summary of Application

Applicant: U.S. Shippers Association ("USSA"), 1209 Orange Street, Wilmington, Delaware 19801, Contact: Richard G. Slattery, Legal Counsel, Telephone: 202/662/6000.

Application No.: 85-2A018.

Date Deemed Submitted: October 18, 1989.

Request For Amended Conduct: USSA seeks to amend its Certificate to:

1. Add each of the following companies as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2 (1)): Air Products and Chemicals Inc., Allentown, Pennsylvania (no controlling entity); and Akzo Chemicals Inc., Chicago, Illinois (controlling entity: Akzo N.V., Arnhem, The Netherlands.)

2. Change the name of an existing "Member," "Stauffer Chemical Company," to "Rhone-Poulenc Basic Chemicals Co."

3. Amend the definition of "Products" in the Certificate to make the Certificate applicable to the export of all products.

4. Extend the protection of the Certificate to subsidiaries of Members, and the officers, directors and employees of such subsidiaries.

Dated: October 20, 1989.

Douglas J. Aller,

Director, Office of Export Trading, Company Affairs.

[FR Doc. 89-25417 Filed 10-27-89; 8:45 am]

BILLING CODE 3510-DR-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an Export Trade Certificate of Review, application No. 89-00012.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to Kentucky World Trade Center, Lexington, Inc. ("KWTCL"). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Members (in addition to the applicant): None.

Export Trade:

1. *Products*
All products.
2. *Services*
All services.
3. *Export Trade Facilitation Services (as they relate to the export of Products and/or Services):* All Export Trade Facilitation Services, including, but not limited to, market research, financing (including joint funding on research, technical, and administrative costs), licensing, advertising, export documentation, transportation (including consolidation of shipments), and distribution services.

Export Markets:

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation:

1. On behalf of Suppliers and/or its Members, KWTCL may:

a. Provide and/or arrange for the provision of Export Trade Facilitation Services;

b. Enter into exclusive or nonexclusive distributorship agreements with Export Intermediaries to supply Products and Services to Export Markets; and

c. Determine and set the price of Products and Services for sale in Export Markets.

2. KWTCL may assist Suppliers and/or its Members, on an individual or joint basis, with the development of export plans to meet foreign buyer needs in Export Markets.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: October 18, 1989.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 89–25418 Filed 10–27–89; 8:45 am]

BILLING CODE 3510–DR–M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of an amended Export Trade Certificate of Review, application No. 89–A0005.

SUMMARY: The Department of Commerce has issued an amended Export Trade Certificate of Review to the CherreX Corporation on October 18, 1989. The original Certificate was issued on May 26, 1989. Notice of issuance of the Certificate was published in the **Federal Register** on June 12, 1989 (54 FR 24928).

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Tit1e III of the Export Trading Company Act of 1982 (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to Issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

Export Trade Certificate of Review No. 89–00005 was issued to the CherreX Corporation on May 26, 1989. Notice of issuance of the Certificate was published in the **Federal Register** on June 12, 1989 (54 FR 24928).

The listing of "Members" named in CherreX's Export Trade Certificate of Review has been amended to incorporate the following changes:

1. Each of the following companies has been added as a "Member" of the Certificate: Chase Farms, Inc., Walkerville, MI; Larson-Seaquist Processing, Inc., Sister Bay, WI; Muir-Roberts Co., Inc., Salt Lake City, UT; Smeltzer Orchard Co., Frankfort, MI; and Utah Finer Fruits, Santaquin, UT.

2. Each of the following companies has been deleted as a "Member" of the Certificate: Comstock/Michigan Fruit Division, a division of Curtice Burns Foods, and Great Lakes International Trading, Inc.

Pursuant to section 304(a)(2) of the ETC Act, 15 U.S.C. section 4014(a)(2), and 15 CFR 325.7, the amended Certificate is effective from July 24, 1989, the date on which the application for an amendment was deemed submitted.

A copy of the amended Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: October 20, 1989.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 89–25419 Filed 10–27–89; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF90-8-000]

Pinellas County Board of County Commissioners; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 23, 1989.

On October 12, 1989, Pinella County, Board of County Commissioners (Applicant), of 315 Court Street, Clearwater, Florida 34616, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at 3001 110th Avenue North, St. Petersburg, Florida. The facility will consist of four waste fired boilers and two steam turbine generator sets. Applicant states that the primary energy source for the facility will be biomass in the form of municipal solid waste. The net electric power production capacity of the facility will be 70 MW.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25432 Filed 10-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CS71-625-001 et al.]

UMC Petroleum Corp. et al.; Applications for Small Producer Certificates[1]

October 23, 1989.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 9, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Docket No.	Date filed	Applicant
CS71-625-001	[1] 9-29-89	UMC Petroleum Corporation, 1201 Louisiana, Suite 1000, Houston, TX 77002.
CS88-98-001	[2][3] 9-19-89	Universal Drilling Co., Inc., 200 Carondelet Street, 1500 American Bank Building, New Orleans, LA 70130.
CS89-48-000	[4] 10-3-89	Redwine Resources, Inc., 8214 Westchester Drive, Suite 505, Dallas, TX 75225.
CS89-50-000	[5] 10-5-89	Peregrine Petroleum Corporation, 827 N.W. 63rd Street, Suite 203, Oklahoma City, OK 73116.
CS89-51-000	9-22-89	DMS Oil Company, 3000 Wilcrest #250, Houston, TX 77042.
CS89-52-000	9-28-89	Texacan Energy, Inc., P.O. Box 820167, Houston, TX 77282.
CS90-1-000	10-5-89	Point Farm Inc., P.O. Box 70457, Ft. Lauderdale, FL 33307.
CS90-2-000	10-12-89	Geodyne Nominee Corporation, 320 South Boston Avenue (Mezzanine), Tulsa, OK 74103.

[1] By letter dated September 26, 1989, Applicant states than on December 20, 1988, General Producing Company, changed its name to UMC Petroleum Corporation. Applicant states that effective September 14, 1989, UMC Petroleum Resources Corporation (formerly MCOR Oil and Gas Company), MCO Resources (Integrated) Corporation and General LP Acquisitions, Inc. (limited partner to General Producing Company) merged into UMC Petroleum Corporation.

[2] By letter dated September 18, 1989, Applicant requests that the small producer certificate in Docket No. CS88-98-000 be amended to include Universal Drilling Co., Inc.

[3] The application was received on September 14, 1989. The filing date is the date of receipt of the filing fee.

[4] The application was received on September 5, 1989. The filing date is the date of receipt of the filing fee.

[5] The application was received on September 18, 1989. The filing date is the date of receipt of the filing fee.

[FR Doc. 89-25433 Filed 10-27-89; 8:45 am]

BILLING CODE 6717-01-M

---

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket Nos. CP90-74-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP90-74-000]

October 20, 1989.

Take notice that on October 18, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-74-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Phoenix Gas Pipeline Company (Phoenix), an intrastate pipeline company, under the blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation agreement dated December 6, 1988, as amended on July 20, 1989, under its Rate Schedule ITS, it proposes to transport up to 103,000 MMBtu per day equivalent of natural gas for Phoenix. United states that it would transport the gas from multiple receipt points as shown in Exhibit "A" of the transportation agreement and would deliver the gas to multiple delivery points shown in Exhibit "B" of the agreement.

United advises that service under § 284.223(a) commenced August 14, 1989, as reported in Docket No. ST90-32-000 (filed October 3, 1989). United further advises that it would transport 103,000 MMBtu on an average day and 37,595,000 MMBtu annually.

Comment date: December 4, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Wyoming-California Pipeline Company

[Docket No. CP90-41-000]

October 23, 1989.

Take notice that on October 10, 1989, Wyoming-California Pipeline Company ("WyCal"), P.O. Box 1087, Colorado Springs, Colorado 80944, pursuant to section 7(c) of the Natural Gas Act, as amended, and subpart E of part 157 of the Regulations of the Federal Energy Regulatory Commission ("Commission"), filed in Docket No. CP90-41-000 an application for an optional expedited certificate of public convenience and necessity authorizing the acquisition, construction, and operation of facilities for the transportation of natural gas in interstate commerce for others. The proposed interstate pipeline system commences in southwestern Wyoming at Hams Fork and extends southwestward through a portion of Wyoming, Utah, and Nevada to a terminus near Bakersfield, California, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WyCal states in its application that it has signed a settlement with Pacific Gas and Electric Company ("PG&E") that calls for offering transportation services utilizing capacity acquired by WyCal on certain PG&E facilities. In addition, WyCal states that it has executed a settlement agreement with Southern California Gas Company (SoCalGas) wherein SoCalGas agrees to facilitate downstream transportation of volumes of gas on behalf of WyCal shippers.

WyCal states that it has a certificate of public convenience and necessity issued in Docket No. CP87-480-000 pursuant to 18 CFR 284.221 authorizing blanket self-implementing transportation for others which it accepted by letter dated May 4, 1989.

WyCal states that because of certain developments in the market, and as a result of negotiations with potential shippers, it has determined that the market requires a range of configuration choices, in addition to and including the configuration approved by the optional expedited certificate issued in Docket No. CP87-479-000, from which to choose. WyCal states that it will retain its existing authorization in Docket No. CP87-479-000 as one of the configuration choices available to the market. WyCal states that the subject application seeks additional authorization and does not supplant, amend or otherwise modify WyCal's existing authorization granted in Docket No. CP87-479-000. WyCal filed in the subject application a Base Case, Alternative 1 and Alternative 2. WyCal states that the configurations will provide flexibility to all shippers who require transportation service, including heavy oil producers in Kern County, California.

WyCal states that the Base Case, Alternatives 1 and Alternative 2 configurations proposed provide for the transportation of 600 MMcf per day with 100 MMcf per day delivered to the Las Vegas, Nevada area (Southwest Gas Corporation) and 500 MMcf per day delivered into California. The pipeline route from Hams Fork, Wyoming to the California-Nevada border is the same for the three configurations.

WyCal's proposed route would essentially follow the route of its existing certificated configuration from the Rocky Mountain producing region to the Nevada-California border, according to WyCal. This includes the Wasatch Variation and the North Las Vegas Variation that was required by the Commission, as part of its certificate orders. However, although the configuration remains the same, the pipeline capacity of this segment up to the vicinity of Las Vegas, Nevada has been increased to 600 MMcf per day, WyCal states. As a result, WyCal would be required to construct three additional compressor stations, and to install additional compression at its previously authorized station locations.

WyCal's proposed configurations differ from WyCal's existing certificate authorizations in the following manner:

(1) The configurations are downsized to reflect a reduced level of demand for new capacity into southern California. Specifically, WyCal's design capacity under its existing authorization is set at 700 MMcf per day of transportation capacity into California; whereas, the proposed filing requests authorization for transportation of 500 MMcf per day into California.

(2) The route followed by the proposed configurations is a more direct route from Las Vegas, Nevada to Kramer Junction near Barstow, California.

(3) Under two of the proposed configurations deliveries in California may be effectuated through the faclities of local distribution companies.

The Base Case provides for an interconnection with PG&E's Line 300 near Kramer Junction, San Bernardino County, California and an approximately 18.2 mile lateral pipeline interconnecting with the facilities of SoCalGas near Newberry Springs, San Bernardino County, California ("Newberry Springs Lateral"). WyCal states that it will have an undivided interest in capacity on the PG&E pipeline system sufficient to provide firm transportation of 280 MMcf per day of natural gas from Kramer Junction to the Kern County area, and that the Newberry Springs Lateral can deliver 220 MMcf per day to SoCalGas.

Alternative 1 provides for the same interconnections with PG&E and SoCalGas; however, additional PG&E facilities would have sufficient capacity to provide up to 500 MMcf per day of firm transportation deliveries to the Kern County area. WyCal states that it

will have an undivided interest in capacity on the PG&E pipeline system. Alternative 2 provides for WyCal only facilities sufficient to provide up to 500 MMcf per day to the Kern County area and 220 MMcf per day to SoCalGas.

The configurations for the Base Case, Alternative 1 and Alternative 2 are as follows, with all mileage being approximate:

The Base Case: (1) 5.9 miles of 24-inch outside diameter (O.D.) pipeline beginning at Hams Fork, Wyoming to the Round Mountain Compressor Station near Opal, Wyoming; (2) 730.2 miles of 30-inch O.D. pipeline from the Round Mountain Compressor Station and extending southwestward through Wyoming, Utah, and Nevada using the "Wasatch Variation" and the "North Las Vegas Variation" to a point near Kramer Junction, California, to interconnect with the facilities of PG&E; (3) the Newberry Springs Lateral; (4) 57.7 miles of 24-inch O.D. pipeline from the facilities of PG&E's Kern River Station to a point near Belridge, California to be known as the "Modified Taft Lateral"; and (5) capacity on PG&E facilities, including a new 30-inch O.D. pipeline loop 60.0 miles from Kramer Junction west along PG&E's Line 300, a new 11.0 miles of 30–inch O.D. pipeline loop west of Arvin in Kern County, and a new 4.4 miles of 16-inch O.D.pipeline loop along PG&E's Line 142N in Kern County. Other facilities include approximately 90,100 horsepower of compression at the six WyCal compressor stations and taps, valves, metering and other appurtenant facilities.

Alternative 1 has the same pipelines and compression facilities at the Base Case from Hams Fork, Wyoming to the interconnection with PG&E's facilities near Kramer Junction, California. From that point, the configuration includes: (1) The Newberry Springs Lateral; (2) the Modified Taft Lateral; (3) tap, valves, metering, and other appurtenant facilities; and (4) capacity on PG&E faclities comprising a new 102.7 miles of 30-inch O.D. pipeline along PG&E's Line 300 from Kramer Junction to Kern River Station and a new 4.4 miles of 16-inch O.D. pipeline loop on PG&E's Line 142N in Kern County, California.

Alternative 2 has the same pipeline and compression facilities as the Base Case and Alternative 1 from Hams Fork, Wyoming to Kramer Junction, California. From that point, the configuration includes: (1) 78.2 miles of 30-inch O.D. pipeline from Kramer Junction to a point near Arvin, California; (2) 27.9 miles of 20-inch O.D. pipeline from Arvin to a point near Bakersfield; (3) 73.1 miles of 24-inch O.D. pipeline from Arvin to a point near Belridge, California; (4) taps, valves, metering, and other appurtenant facilities, and (5) the Newberry Springs Lateral.

WyCal proposes transportation service only. WyCal proposes to transport gas for third party shippers, up to the full capacity of its proposed system, which is designed to be appoximately 600 MMcf per day to the Las Vegas, Nevada, area and 500 MMcf per day into California.

WyCal's proposed tariff incorporates two rate schedules which include a firm transportation service with a two-part rate, including a maximum reservation rate, and a one-part volumetric rate for interruptible service. All rates will be discountable between a maximum and minimum level.

The total direct and indirect capital cost of each of WyCal's configurations, including any additional PG&E facilities and line pack, is: (1) Base Case—$664,438,000; (2) Alternative 1—$686,212,000; and (3) Alternative 2—$686,994,000. The estimate is in 1991 dollars. WyCal proposes an initial capitalization ratio of 70 percent debt and 30 percent equity.

WyCal states that its proposed rates have been designed, and its proposed *pro forma* Tariff has been drafted, using the principles which the Commission established in its orders approving WyCal's certificated system. WyCal states that it is proposing firm and interruptible rates for each system configuration with separate zones for service within California and for service east of California. Such zoning for deliveries within California and for service east of California, WyCal states, is consistent with the Commission's recent Policy Statement in Docket No. PL89–2–000. WyCal states that the rates for the within California zone reflect an allocation of 500/600's of all the costs incurred from Wyoming to the Nevada-California border plus all of the costs in California, and the rates for the east of California zone reflect an allocation of 100/600's of all the costs incurred from Wyoming to the Nevada-California border. WyCal lists other significant factors as follows:

(1) WyCal has utilized a capitalization ratio of 70 percent debt and 30 percent equity, a 14 percent rate of return on equity and a 10.75 percent long term debt cost.

(2) WyCal has designed its rates using a throughput of 95 percent of design capacity.

(3) WyCal proposes to recover the cost of all of its facilities including its undivided interest in capacity on PG&E's facilities over a 25-year life. WyCal proposes to use a levelized rate concept whereby the cost of service remains essentially constant over the first 15 years of service.

(4) WyCal proposes a one-part volumetric rate for interruptible service, discountable between stated maximum and minimum levels. The maximum interruptible rate would be equivalent to the maximum commodity rate for firm service. WyCal proposes a two-part rate for firm service. WyCal states that its proposed Maximum Reservation Rate components recover all costs, other than variable O&M costs, return on equity and related taxes.

(5) WyCal states that it has modified its original open season in Article 3 of its General Terms and Conditions of its proposed Tariff to provide that its open season would commence 45 days after the effective date of the Commission's certificate order. Such open season, WyCal states, would apply only to capacity, if any, that remains uncommitted on WyCal's proposed system upon the commencement date of such open season.

With the exception of the three additional compressor stations proposed in the application and some additional compression at previously authorized stations, the configuration from Hams Fork, Wyoming, to Kramer Junction, California, has already been found by the Commission to be environmentally acceptable in the proceedings in Docket No. CP87–479–000, *et al.* The additional compressor stations, however, lie within the studied corridor. WyCal submitted an environmental report in its application to include facilities that will be constructed by PG&E as well as the limited WyCal facilities in California that have not previously been studied.

Comment date: November 13, 1989, in accordance with Standard Paragraph F at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP90–85–000]

October 23, 1989.

Take notice that on October 20, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP90–85–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Graham Energy Marketing Corp. (Graham), a marketer, under the blanket certificate issued in Docket No. CP88–6–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

United states that pursuant to a transportation agreement dated November 9, 1988, as amended on August 25, 1989, under its Rate Schedule ITS, it proposes to transport up to 123,600 MMBtu per day equivalent of natural gas for Graham. United states that it would transport the gas from multiple receipt points as shown in Exhibit "A" of the transportation agreement and would deliver the gas to multiple delivery points shown in Exhibit "B" of the agreement.

United advises that service under § 284.223(a) commenced September 14, 1989, as reported in Docket No. ST90–111 (filed October 11, 1989). United further advises that it would transport 123,600 MMBtu on an average day and 45,114,000 MMBtu annually.

Comment date: December 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferrred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public conveneience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–25428 Filed 10–27–89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90–13–000]

Algonquin Gas Transmission Co.; Proposed Change in FERC Gas Tariff

October 23, 1989.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on October 17, 1989, tendered for filing, to its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheet Fourth Revised Sheet No. 629.

Algonquin states that it is filing Fourth Revised Sheet No. 629 for the purpose of incorporating standby charges from its upstream pipelines into its Purchased Gas Adjustment Provision. Algonquin states that it is not proposing to change any of the procedures it has historically used in the tracking of purchased gas cost but is adding language for the sole purpose of including standby charges as a PGA trackable item. All the changes proposed by Algonquin are fully set forth in Algonquin's filing.

Algonquin notes that a copy of this filing was served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed or or before October 30, 1989.

Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89–25429 Filed 10–27–89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90–11–000]

Seagull Interstate Corp.; Proposed Changes in FERC Gas Tariff

October 23, 1989.

Take notice that on October 16, 1989, Seagull Interstate Corporation ("Seagull"), 1001 Fannin, Suite 1700, Houston, Texas 77002, filed pursuant to § 284.305(e) of the Federal Energy Regulatory Commission's ("Commission") Regulations (18 CFR 284.305(e)), tariff sheets to Original Volume No. 1 of its FERC Gas Tariff. The tariff sheets filed by Seagull are:

To Be Effective April 1, 1989

Second Revised Sheet No. 5
Second Revised Sheet No. 11
Second Revised Sheet No. 54A
Second Revised Sheet No. 54B
Second Revised Sheet No. 54C
Original Sheet No. 54D

Seagull states that these tariff sheets are filed, as required by Order No. 509 issued December 9, 1988, as amended by Order No. 509–A issued February 21, 1989, to set forth the manner in which firm transportation capacity will be reallocated pursuant to § 284.304(c) of the Commission's Regulations (18 CFR 284.304(c)) in the event that more than one shipper requests firm transportation capacity. Seagull requests that the Commission grant any and all waivers necessary to permit tariff sheets to become effective April 1, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before October 30, 1989, and in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person desiring to become a party must petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25430 Filed 10-27-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-114-004]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

October 23, 1989.

Take notice that Trunkline Gas Company (Trunkline), on October 17, 1989 tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1:

To Be Effective May 1, 1989

Revised Second Substitute Eleventh Revised Sheet No. 3-A.1
Second Substitute Original Sheet No. 9-JA
Revised Second Substitute Original Sheet No. 9-JC

To Be Effective October 1, 1989

First Substitute Twelfth Revised Sheet No. 3-A.1

Trunkline states that it is submitting these revised tariff sheets in compliance with the Letter Order issued September 26, 1989 in Docket No. RP89-114-003 to remove the Annual Charge Adjustment (ACA) Provision from its Stand Alone Storage Service Rate Schedule SAS.

Trunkline states that copies of this filing have been sent to its jurisdictional customers, applicable state regulatory agencies and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before October 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-25431 Filed 10-27-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3676-2]

Agency Information Collection Activities Under Office of Management and Budget Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the nature of the information collection and their expected costs and burdens; where appropriate, they include the actual data collection instruments.

DATE: Comments must be submitted on or before November 29, 1989.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Investigations into Possible Noncompliance of Motor Vehicles with Federal Emission Standards. (EPA ICR # 0222; OMB # 2060-0086). This is a renewal of a previously approved collection

Abstract: Owners of vehicles are asked to provide EPA with their name, address, telephone number, their vehicle make and model year, and the data needed to determine if the vehicle meets certain maintenance and use criteria. Based upon these responses, EPA selects vehicles for testing to ascertain manufacturers' compliance with federal emission standards. EPA needs these test results for its recall program

Burden Statement: The public reporting burden for this collection of information is estimated to average 0.2 hours per response. This estimate includes the time needed to review instructions, answer questions and complete forms

Respondents: Individual vehicle owners

Estimated No. of Respondents: 9850

Estimated Total Annual Burden on Respondents: 2080

Frequency of Collection: On occasion

Title: Pre-certification Exemption, Testing Exemption. (EPA ICR # 0095.03; OMB # 2060-0007). This is a renewal of a previously approved collection.

Abstract: To apply for pre-certification or testing exemptions, manufacturers of vehicles, engines, or parts must provide EPA with information demonstrating that the exempted items will be used primarily in product development, method assessment, market promotion, or research. EPA uses the information to guarantee that uncertified or untested vehicles, engines, or parts are not used commercially

Burden Statement: The public reporting burden for this collection of information is estimated to average 2.25 hours per response. This estimate includes the time needed to review instructions, search existing data sources, gather the data needed and complete and review the collection of information

Respondents: Manufacturers of new motor vehicles, engines, or engine parts; importers of vehicles, and fuel refiners

Estimated No. of Respondents: 85

Estimated Total Annual Burden on Respondents: 191 hours for reporting and 375 hours for recordkeeping

Frequency of collection: Annually and on occasion

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch, 401 M Street, SW., Washington, DC 20460, and

Nicolas Garcia, Office of Management and Budget, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20530.

Dated: October 23, 1989.

Paul Lapsley,

Director, Information and Regulatory Systems Division.

[FR Doc. 89-25484 Filed 10-27-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180821; FRL-3662-9]

Receipt of Application for Emergency Exemption to Use Metalaxyl; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Department of Food and Agriculture (hereafter referred to as the "Applicant") for use of the pesticide metalaxyl (CAS 57837-19-1) to control downy mildew, *Peronospora sparsa*, on 400 acres of caneberries in California. In accordance with 40 CFR 166.24, EPA is

soliciting public comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before November 14, 1989.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP–180821," should be submitted by mail to:

Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Susan Stanton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–4360)

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption for the use of the fungicide, metalaxyl, available as Ridomil 2E (EPA Registration No. 100–607) from Ciba Geigy Corporation, to control downy mildew, caused by *Peronospora sparsa*, on 400 acres of caneberries in California.

Information in accordance with 40 CFR part 166 was submitted as part of this request. The Applicant indicates that this pathogen infects the plants during wet weather in the fall and overwinters in the roots. In the spring, the overwintering spores germinate and infect the growing canes and developing fruit. Warm, wet weather conditions are ideal for disease development. According to the Applicant, there are no pesticides currently registered for the control of downy mildew on caneberries, and without effective control, significant economic losses of thirty to fifty percent could result if mildew outbreaks occur this season. The potential dollar loss without metalaxyl for the 1989–1990 season is estimated to be over one half of a million dollars.

Metalaxyl will be applied at a maximum rate of 0.25 pounds of active ingredient per 1000 linear feet of plant row of 1.38 pounds of active ingredient per acre. Up to two applications may be made. A maximum of 1,104 pounds of active ingredient may be needed to treat a maximum of 400 acres. Applications will be completed by April 30, 1990.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption that has been requested or granted for that use in any three previous years and a complete application for registration of the use and/or a petition for a tolerance for residues in or on the commodity has not been submitted to the Agency. Use of metalaxyl on caneberries was denied in 1983 and 1984 for lack of an adequate toxicological data base and was subsequently granted in 1987, 1988, and 1989. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Food and Agriculture.

Dated: October 5, 1989.

Frank T. Sanders,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 89–25489 Filed 10–27–89; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3676–3]

Proposed Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act; Somersworth Sanitary Landfill Superfund Site; Somersworth, NH

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and request for public comment.

SUMMARY: The U.S. Environmental Protection Agency is proposing to enter into an administrative settlement to address claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601. Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to address the liabilities of 32 parties for costs incurred by EPA in conducting response actions at the Somersworth Sanitary Landfill Superfund Site in Somersworth, New Hampshire.

DATE: Comments must be provided on or before November 29, 1989.

ADDRESSES: Comments should be addressed to the Regional Administrator's Office, U.S. Environmental Protection Agency, Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, and should refer to: In the Matter of Somersworth Sanitary Landfill Superfund Site, Somersworth, New Hampshire, U.S. EPA Docket No. I–89–1021.

FOR FURTHER INFORMATION CONTACT: M. Gretchen Muench, U.S. Environmental Protection Agency, Office of Regional Counsel, RRC–2203, J.F.K. Federal Building, Room 2203, Boston, Massachusetts 02203, (617) 565–3455.

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the Somersworth Sanitary Landfill Superfund Site in Somersworth, New Hampshire. Section 122(h) of CERCLA provides EPA with authority to consider, compromise and settle a claim for costs incurred by the United States if the claim has not been referred to the U.S. Department of Justice. The U.S. Department of Justice approved this settlement in writing on July 11, 1989. Below are the listed parties who have executed signature pages committing them to participate in this settlement.

A & G Tire Co.
Airex Corporation

Amoco Service Station
Boston and Maine Corporation
Breton's Cleaners
City of Somersworth
Facemate PL/GF, Inc.
Gagnon's Auto Body, Inc.
General Electric Company
General Linen Services Co., Inc.
Getty Oil Company
Gregoire's Hardware, Inc.
Chevron U.S.A. Inc.
Hanson Corner Station
House of Photography
Lemay's Transportation
Main Street Garage
New Hampshire Printers, Inc.
Profile Garage
J.A. Prince & Son, Inc.
Shell Oil Company
Public Service of New Hampshire
Right on Target
Robbins Auto Parts Inc.
Roberts Shoe Co., Inc.
R.M. Rowleau, Inc.
Somersworth Free Press, Inc.
Somersworth Nissan Inc.
Somersworth Shoe Inc.
Somersworth Woodheel, Inc.
Star Lumber Co., Inc.
Val's Getty Station

Under this agreement, these Settling Parties will jointly and severally pay $482,412.63 to the Hazardous Substances Superfund, and $74,902.83 to the State of New Hampshire. EPA believes that the settlement is fair and in the public interest. EPA will receive written comments relating to this agreement for thirty (30) days from the date of publication of this notice.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from EPA's Region I Office of Regional Counsel, J.F.K. Federal Building, Boston, Massachusetts 02203.

Paul Keough,

Acting Regional Administrator.

[FR Doc. 89-25485 Filed 10-27-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3675-9]

Proposed Revision of Washington's National Pollutant Discharge Elimination System (NPDES) Program Memorandum of Agreement

AGENCY: Environmental Protection Agency.

ACTION: Notice of modification, public comment period.

SUMMARY: On November 21, 1988, the State of Washington submitted to EPA a request for modification of their National Pollutant Discharge Elimination System (NPDES) Program Memorandum of Agreement (MOA). The MOA serves to outline respective program responsibilities of EPA and the state. Document revision is necessary to ensure the continuing validity of EPA's approval of Washington's NPDES program.

Washington's submittal is complete and is now available for inspection and copying. EPA requests public comments and will hold a public hearing if sufficient public interest exists.

DATE: EPA must receive comments and requests for a public hearing on or before November 29, 1989.

ADDRESS: Address comments and requests for further information to Cecil Carroll, Washington Operations Office, Environmental Protection Agency, c/o Washington Department of Ecology, PV-11, Olympia, Washington 98504.

SUPPLEMENTARY INFORMATION: The original MOA for the National Pollutant Discharge Elimination System was entered into by EPA and Ecology on November 9, 1973. Ecology has been carrying out the NPDES program as a delegated State for the past 16 years.

Washington's MOA has been updated to reflect recent changes in the Federal Clean Water Act (CWA) and 40 CFR parts 122-125. This MOA includes a new section (Section XIV) which addresses Indian issues. This section makes clear that EPA is not delegating authority over Indian lands to the State of Washington. Additionally, the NPDES Program Description for the State of Washington was updated to reflect the revised MOA. Day to day operations under this MOA are delineated in a compliance assurance agreement.

After the close of the comment period, the Regional Administrator of EPA, with the concurrence of EPA Headquarters, will approve or disapprove this proposed modification. This decision will be based upon the contents of the submittal, all written comments received during the comment period and presented at the public hearing, if one is held, and upon meeting the requirements of 40 CFR part 123. If the modification is approved, the Regional Administrator will notify the state. Notice will be published in the **Federal Register**. If the Regional Administrator disapproves Washington's request for modification of the MOA, he will notify the state of the reasons for disapproval and of any revisions or modifications which are necessary to obtain approval.

The public may review Washington's application from 9 a.m. to 4 p.m., Monday through Friday, at the Environmental Protection Agency, Region 10, 1200 Sixth Avenue, 10th floor Library, Seattle, Washington 98101, or at the Washington Operations Office, St. Martins Campus on College and Sixth Street, Olympia, Washington 98504. Copies of the submission may also be obtained by contacting Ms. Andi Manzo at the Seattle address listed or at (206) 442-8399.

Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this rule from the review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Revision of Washington's MOA would establish no new substantive requiremetns, nor would it alter the regulatory control over any municipal or industrial category. Because this notice does not have a significant impact on a substantial number of small entities, a Regulatory Flexibility Analysis is not necessary.

Dated: October 12, 1989.

Robie G. Russell,

Regional Administrator, EPA Region 10.

[FR Doc. 89-25425 Filed 10-27-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Winston R. Lauder; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C.. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 8, 1989.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. Winston R. Lauder, Ketchum, Idaho; to acquire up to 100 percent of the voting shares of Idaho State Bank, Glenns Ferry, Idaho.

Board of Governors of the Federal Reserve System, October 26, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-25627 Filed 10-26-89; 1:54 pm]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89P-0402]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Meadow Gold Dairies, Inc., to market test a product designated as "lite sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0119.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Meadow Gold Dairies, Inc., 180 East Broad St., Columbus, OH 43215.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to no more than 9 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 2-tablespoon serving (30 grams) provides 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to sour cream, but contains fewer calories and less fat.

For the purposes of this permit, the name of the product is "lite sour cream." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "half the fat of regular sour cream." The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is 50 percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

The permit provides for the temporary marketing of 750,000 quarts of the test product. The test product will be manufactured at Meadow Gold Dairies, Inc., Greeley, CO 80631; Champaign, IL 61820; New Bremen, OH 45869; Tulsa, OK 74101; and Salt Lake City, UT 84110. The product will be distributed in the States of Alabama, Arizona, Colorado, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Utah, Virginia, West Virginia, and Wisconsin.

Each of the ingredients used in the food is stated on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

Dated: October 19, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-25410 Filed 10-27-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89P-0403]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Crowley Foods, Inc., to market test a product designated as "lite sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0119.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Crowley Foods, Inc., Metro Center, 49 Court St., P.O. Box 549, Binghamton, NY 13902.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to 9 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 2-tablespoon (1-ounce) serving of the product contains 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of this variation is to offer the consumer a product that is nutritionally equivalent to sour cream but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "lite sour cream." The principal display panel of the label must include the statements "reduced calorie" and "reduced fat" following the name. In addition, the label must bear the comparative statements "40 percent fewer calories" and "50 percent less fat than sour cream."

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 1,700,000 quarts of the test product. The test product will

be distributed in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The test product is to be manufactured at Crowley Foods, Inc., Theresa Rd., La Fargeville, NY 13636.

Each of the ingredients used in the food must be stated on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

Dated: October 19, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-25411 Filed 10-27-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89P-0404]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Marigold Foods, Inc., to market test a product designated "lite sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Joanne Travers, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0324.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Marigold Foods, Inc., 2929 University Ave. SE., Minneapolis, MN 55415.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to 7 percent and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 2-tablespoon serving contains 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer consumers a product that is nutritionally equivalent to sour cream, but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "lite sour cream." The principal display panel of the label must include the statements "reduced calories" and "reduced fat." In addition, the label must bear the comparative statements "50 percent less calories" and "60 percent less fat than regular sour cream.".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 800,000 quarts of the test product. The test product will be manufactured at Marigold Foods, Inc., 15 Fourth St., Farmington, MN 55074, and distributed in Illinois, Iowa, Michigan, Minnesota, and Wisconsin.

Each of the ingredients used in the food is stated on the label as require by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

Dated: October 19, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-25412 Filed 10-27-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89P-0405]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Borden, Inc., to market test a product designated as "lite sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0119.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Borden, Inc., 180 East Broad St., Columbus, OH 43215.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to not more than 9 percent; and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 2-tablespoon serving (30 grams) of the product contains 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to sour cream but contains fewer calories and less fat.

For the purposes of this permit, the name of the product is "lite sour cream." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "half the fat of regular sour cream."

The food complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is a 50 percent or more reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 750,000 quarts of the test product. The product will be distributed in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and Wisconsin.

The test product is to be manufactured at the Borden plants in Albuquerque, NM 87103; Detroit, MI 48068; Jackson, MS 39204; Milwaukee, WI 53214; New Bremen, OH 45869; Sulphur Springs, TX 75482; Tampa, FL 33630; Watertown, NY 13601; and Youngstown, OH 44512.

Each of the ingredients used in the food is stated on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced into interstate commerce, but not later than January 29, 1990.

Dated: October 19, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-25413 Filed 10-27-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89P-0406]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Friendship Dairies, Inc., to market test a product designated as "lite sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temorary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0119.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal, Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Friendship Dairies, Inc., 4900 Maspeth Ave., Maspeth, NY 11378.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to 8 percent; and (2) sufficient vitamin A palmitate is added to ensure that a 2-tablespoon (1-ounce) serving of the product provides 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer consumers a product that is nutritionally equivalent to sour cream but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "lite sour cream." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "35 percent fewer calories" and "less than half the fat of sour cream."

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is a 50 percent or more reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9

This permit provides for the temporary marketing of 43,000 cases of 12 1-pound containers of the test product. The test product will be manufactured at Friendship Dairies, Inc., Friendship, NY 14739, and distributed in California, Connecticut, Florida, Georgia, Illinois, Maryland, New Jersey, New York, Pennsylvania, Texas, Virginia, and in the District of Columbia.

Each of the ingredients used in the food must be stated on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than January 29, 1990.

Dated: October 19, 1989.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-25414 Filed 10-27-89; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89M-0426]

Medtronic Blood Systems, Inc.; Premarket Approval of the Hancock® Porcine Bioprosthesis, Models 242, 342, 342R, and 342C

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Medtronic Blood Systems, Inc., Minneapolis, MN, for premarket approval, under the Medical Device Amendments of 1976, of the HANCOCK® Porcine Bioprosthesis, Models 242, 342, 342R, and 342C. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 28, 1989, of the approval of the application.

DATES: Petitions for administrative review by November 29, 1989.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lisa M. Kennell, Center for Devices and Radiological Health (HFZ-450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301-427-1200.

SUPPLEMENTARY INFORMATION: On December 8, 1987, Medtronic Blood Systems, Inc., Minneapolis, MN 55432, submitted to CDRH an application for premarket approval of the HANCOCK® Porcine Bioprosthesis in response to the final rule of May 13, 1987 (52 FR 18162), requiring the submission of premarket approval applications for prosthetic heart valves in commercial distribution before May 28, 1976, or those found substantially equivalent and marketed after May 28, 1976. The HANCOCK® Porcine Bioprosthesis is a replacement heart valve (21 CFR 870.3925) for use in patients with diseased, damaged or malfunctioning aortic or mitral heart valves. It is a porcine bioprosthesis fixed in glutaraldehyde with a flexible polypropylene stent and a Stellite alloy ring in the stent for added support and radiopacity. The stent is covered with Dacron® cloth. The aortic Model 242 is available in sizes 19 millimeters (mm), 21mm, 23mm, 25mm, 27mm, 29mm, and 31mm. The mitral Models 342, 342R, and 342C are available in sizes 27mm, 29mm, 31mm, and 35mm, and Model 342 is also available in size 25mm.

On September 15, 1988, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 28, 1989, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Lisa M. Kennell (HFZ–450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 28, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: October 19, 1989.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 89–25468 Filed 10–27–89; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Report for the following Health Resources and Service Administration's Federal Advisory Committee has been filed with the Library of Congress: Maternal and Child Health Research Grants Review Committee.

Copies are available to the public for inspection at the Library of Congress Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, DC, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, HHS North Building, Room G–400, 330 Independence Avenue, SW., Washington, DC, telephone (202) 245–6791. Copies may be obtained from: Gontran Lamberty, Dr.Ph.H., Executive Secretary, Maternal and Child Health Research Grants Review Committee, Room 6–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2190.

Dated: October 24, 1989.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 89–25469 Filed 10–27–89; 8:45 am]

BILLING CODE 4160–15–M

Office of Human Development Services

Agency Information Collection Under Office of Management and Budget Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) a request for approval of an information collection for the Administration for Children, Youth and Families' Quarterly Report of Expenditures and Estimates for Foster Care and Adoption Assistance.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245–6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Justin Kopca, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, Room 3208, 725 17th Street, NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Quarterly Report of Expenditures and Estimates for Foster Care and Adoption Assistance

OMB No.: 0980–0130/1

Description: The report is used for Federal monitoring of state budget estimate payments, funding at the maximum authorized level and determining the Federal share of program expenditures. The report also fulfills budget requirements for advancing Federal matching funds to states to meet their entitlements' payment obligations.

Annual Number of Respondents	51
Annual Frequency	4
Average Burden Hours Per Response	25
Total Burden Hours	5,100

Dated: October 20, 1989.

Donna N. Givens,

Deputy Assistant Secretary for Human Development Services.

[FR Doc. 89–25423 Filed 10–27–89; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HC (Centers for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–67776, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 54 FR 25907–25908, June

20, 1989) is amended to change the title of the Division of Sexually Transmitted Diseases, Center for Prevention Services, to Division of STD/HIV Prevention, and to revise the functional statement.

Section HC–B, Organization and Functions, is hereby amended as follows:

Under the Center for Prevention Services (HCM), delete in its entirety the functional statement for the Division of Sexually Transmitted Diseases (HCM4) and substitute the following:

Division of STD/HIV Prevention (HCM4). (1) In cooperation with other CDC components, administers operational programs for the prevention and control of sexually transmitted diseases (STD), including human immunodeficiency virus (HIV) infection; (2) provides consultation, training, statistical, promotional, educational, epidemiological, and other technical services to assist State and local health departments in the planning, development, implementation, and overall improvement of STD/HIV prevention programs; (3) supports a nationwide framework for effective surveillance of sexually transmitted diseases other than HIV; (4) conducts clinical, behavioral, etiologic, and operational research into factors affecting the prevention and control of STD; (5) provides technical supervision for CPS State and local assignees working on HIV or other STD control activities.

Effective Date: October 19, 1989.

Wilford J. Forbush,

Director, Office of Management/PHS.

[FR Doc. 89–25422 Filed 10–27–89; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–89–2074]

Performance Review Board, Appointments

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of appointments.

SUMMARY: The Department of Housing and Urban Development announces the appointments of Alfred A. DelliBovi as Chairperson, Claire E. Freeman as Vice-Chairperson, Elmer C. Binford, David M. Cohen, John J. Connors, Lawrence Goldberger, Carolyn B. Lieberman, and Scott W. Reed as members, and Thomas M. Humbert and Laurence D. Pearl as alternate members to the Departmental Performance Review Board. Their address is: Department of Housing and Urban Development, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Persons desiring any further information about the Performance Review Board and its members may contact Gail L. Lively, Director, Office of Personnel and Training, Department of Housing and Urban Development, Washington, DC 20410, telephone (202) 755–5500. (This is not a toll free number.).

Dated: October 20, 1989.

Jack Kemp,

Secretary, Department of Housing and Urban Development.

[FR Doc. 89–25471 Filed 10–27–89; 8:45 am]

BILLING CODE 4210–32–M

Office of Environment and Energy

[Docket No. I–89–153]

Intended Environmental Impact Statement: Marina Redevelopment Project, Port Chester, NY

The Department of Housing and Urban Development gives notice that the Village of Port Chester, New York intends to prepare an Environmental Impact Statement (EIS) for the Marina Redevelopment Project located at Port Chester, New York as described in the appendix to this notice. This notice is in accordance with regulations of the Council on Environmental Quality under its rule (40 CFR part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, major issues and data which the EIS should consider, and recommended mitigating measures and alternatives associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

This notice shall be effective for one year. If one year after the publication of the notice in the Federal Register a Draft EIS has not been filed on a project, then the notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the notice in the Federal Register then a new and updated notice of intent will be published.

Dated: October 24, 1989.

Richard H. Broun,

Director, Office of Environment and Energy.

Appendix—EIS on Marina Redevelopment Project, Port Chester, NY

The Village of Port Chester, New York intends to prepare an Environmental Impact Statement (EIS) on the subject project and hereby solicits comments and information for consideration in this EIS.

Description

The site proposed for the project is located in the Port Chester central business district in an area bordered generally by North Main Street to the west, the Byram river to the east, Westchester Avenue to the South and Willett Avenue to the north. The project area encompasses approximately 17 acres.

The project as currently planned involves the construction of 165,000 sq. ft. of general retail space, 80,000 sq. ft. of office space, 30,000 sq. ft. of executive park, a 40,000 sq. ft. multiscreen cinema, 660 apartments, and parking for 1900 vehicles.

An Urban Development Action Grant (UDAG) of $4.7 million will help finance the project's infrastructures including a new bulkhead and public boat docks, riverfront promenade and public open space as well as drainage and sanitary sewer improvements.

This project will constitute an action with the potential of significantly affecting the environment.

Need

The principal benefits of the project are the strengthening of the economic and commercial potential of the area, the creation and retention of jobs through the expansion of existing facilities, the provision of new public open space and recreation facilities, and the generation of new tax revenues for the Village. The project involves a cooperative effort between the Village of Port Chester and the Robert Martin Company.

Alternatives

At this point the relevant alternatives may include: (1) Development of the project as preliminarily approved for an Urban Development Action Grant; (2) Development of the project with modification and mitigation measures; and (3) No action.

Scoping

This notice is part of the process of determining the scope of the issues to be addressed in the draft EIS, for identifying data and significant environmental issues related to the Project, and for identifying cooperating agencies. A public scoping meeting will be held at the court room, 10 Pearl Street, Port Chester, NY at 3:00 p.m. on November 9, 1989.

Comment

To assist in the preparation of the Environmental Impact Statement, Federal, State, and local agencies, and other interested persons and organizations are invited to participate in the scoping process by submitting comments on the project and its potential impacts. All comments received within 30 days of this invitation will be

considered in the Environmental Impact Statement. Please submit all comments to: Village of Port Chester, c/o Office of Planning and Development, 125 North Main Street, Port Chester, NY 10573, Thomas J. Farrell, Director, 914–937–6425.

[FR Doc. 89–25472 Filed 10–27–89; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Cancellation of the Pacific Regional Technical Working Group Meeting

This notice is issued to cancel the Pacific Regional Technical Working Group meeting scheduled for November 2, 1989, at the Travelodge Hotel at Fisherman's Wharf in San Francisco, California. The meeting had previously been announced in the **Federal Register** of October 6, 1989.

Due to the recent earthquake and subsequent recovery efforts in San Francisco, the meeting has been canceled.

For more information, contact Public Affairs Officer Lorraine H. Lawrence at 213–894–3389.

Dated: October 24, 1989.

Robert G. Paul,

Acting Regional Director, Pacific OCS Region.

[FR Doc. 89–25452 Filed 10–27–89; 8:45 am]

BILLING CODE 4310–MR–M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Notice of proposed contractual actions pending through December 1989.

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to § 426.20 of the rules and regulations published in the **Federal Register** dated December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of water for irrigation or other uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of repayment and water service contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary of the Interior or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** dated February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the five Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during October, November, or December of 1989. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer, and other information pertaining to a specific contract proposal, may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Individual notices of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein

(FR) **Federal Register**
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act
(BCP) Boulder Canyon Project

Pacific Northwest Region

Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idaho 83724–0043, telephone (208) 334–1894.

1. *Cascade Reservoir water users, Boise Project, Idaho:* Repayment contracts for irrigation and M&I water; 29,221 acre-feet of stored water in Cascade Reservoir.

2. *Brewster Flat ID, Chief Joseph Dam Project, Washington:* Amendatory repayment contract; land reclassification of approximately 360 acres to irrigable; repayment obligation to increase accordingly.

3. *Individual irrigators, M&I, and miscellaneous water users, Pacific Northwest Region, Idaho, Oregon, and Washington:* Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

4. *Rogue River Basin water users, Rogue River Basin Project, Oregon:* Water service contracts; $5 per acre-foot or $50 minimum per annum, terms up to 40 years.

5. *Willamette Basin water users, Willamette Basin Project, Oregon:* Water service contracts; $1.50 per acre-foot or $50 minimum per annum, terms up to 40 years.

6. *Irrigation districts and similar water user entities:* Amendatory repayment and water service contracts; purpose is to confirm to the Reclamation Reform act of 1982 (Pub. L. 97–293).

7. *Sixty Palisades Reservoir spaceholders, Minidoka Project, Idaho-Wyoming:* Contract amendments to extend term for which contract water may be subleased to other parties.

8. *City of Cle Elum, Yakima Project, Washington:* Amendatory or replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

9. *Three IDs, Flathead Indian Irrigation Project, Montana:* Repayment of costs associated with rehabilitation of irrigation facilities

10. *Baker Valley ID, Baker Project, Oregon:* Irrigation water service contract on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

11. *Individual irrigators and the North Unit ID, Crooked River Project, Oregon:*

Repayment or water service contracts for up to 25,000 acre-feet of storage space in Prineville Reservoir.

12. *Various Projects, Pacific Northwest Region:* R&B contracts for replacement of needle valves at storage dams.

13. *Palisades Water Users, Inc., Minidoka-Palisades Project, Idaho:* Repayment contract for an additional 500 acre-feet of storage in Palisades Reservoir.

14. *Individual irrigators, Willow Creek Project, Oregon:* Repayment or water service contracts for up to 3,500 acre-feet of storage space in Willow Creek Reservoir.

15. *Roza ID, Yakima Project, Washington:* Proposed supplementary deferment contract. Defer 1 year (2 installments) of construction payments because of cost incurred by the district to obtain additional water supplies in anticipation of drought.

16. *Vale Oregon ID, Vale Project, Oregon:* Supplementary deferment contract to defer the 1988 construction installment under authority of the Act of September 21, 1959. The district has experienced a significant reduction in water supply for the 1988 season.

17. *Five Project Spaceholders, Minidoka-Palisades Project, Idaho-Wyoming:* Contract amendments to provide for rental of water to other parties.

18. *Bridgeport ID, Chief Joseph Project, Washington:* Interim and long-term Warren Act contracts for the use of an irrigation outlet in Chief Joseph Dam.

19. *Five Irrigation Districts, Arrowrock Division, Boise Project, Idaho:* Repayment contract for Safety-of-Dams repair to Deer Flat Dam.

20. *State of Wyoming, Palisades Project, Idaho:* Repayment contract for the sale of 33,000 acre-feet of uncontracted space in Palisades Reservoir.

21. *Hermiston ID, Umatilla Project, Oregon:* Repayment contract for Safety-of-Dams repair to Cold Springs Dam.

22. *Ochoco ID and various individual spaceholders, Crooked River Project, Oregon:* Repayment contract for Safety-of-Dams repair to Arthur Bowman Dam.

23. *The Dalles ID, SRPA, Oregon:* Loan repayment contract for $2,000,000.

Mid-Pacific Region

Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone (916) 978–5030.

1. *Tuolumne Regional Water District, CVP, California:* Water service contract; up to 9,000 acre-feet from New Melones Reservoir.

2. *Calaveras County Water District, CVP, California:* Water service contract; up to 2,000 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

3. *Individual irrigators, M&I, and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada:* Temporary (interim) water service contracts for available project water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; Temporary Warren Act contracts for use of project facilities for terms up to 1 year; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

Note: Copies of the standard form of temporary water service contracts for the various types of service are available, upon written request, from the Regional Director at the address shown above.

4. *Friant Unit Contractors, CVP, California:* Renewal of existing long-term water service contracts with numerous contractors on the Friant-Kern Canal whose contracts expire 1990–1995. Water quantities in existing conrtracts range from 1,200 to 175,440 acre-feet.

5. *San Luis Water District, CVP, California:* Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

6. *ID's and similar water user entities:* Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. *State of California, CVP, California:* Contract(s) for (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as contemplated in the Coordinated Operation Agreement.

8. *Madera ID, Madera Canal, CVP, California:* Warren Act contract to convey and/or store nonproject Soquel water through project facilities.

9. *County of Tulare, CVP, California:* Amendatory water service contract, to provide an additional 1,908 acre-feet and reallocate 400 acre-feet of water from the Ducor ID for a total increase of 2,308 acre-feet.

10. *Shasta Dam Area Public Utilities District, CVP, California:* Renewal of M&I water supply contract. Less than 6,000 acre-feet.

11. *U.S. Fish and Wildlife Service, CVP, California:* Long-term contract for water supply for Federal refuge in Grasslands area of California.

12. *City of Redding, CVP, California:* Amendatory M&I water supply contract.

13. *North Kern Water Storage District, Buena Vista Water Storage District, Tulare Lake Basin Water Storage District, and Hacienda Water District, Kern River Project, California:* Amendatory contract to provide storage space for M&I water.

14. *Contra Costa Water District, CVP, California:* Amendatory water service contract to add an additional point of delivery to accommodate the district's proposed Los Vaqueros Project. Amendment will also conform contract to current water ratesetting policies.

15. *San Juan Suburban Water District, CVP, California:* Amend Contract No. 14–06–200–152A to provide for the current CVP water rates to conform the contract with the provisions of sections 105 and 106 of Pub. L. 99–546.

16. *Centerville Community Services District, CVP, California:* Water service contract for up to 1,560 acre-feet of M&I water annually.

17. *Shasta County Water Agency, CVP, California:* Amendatory water service contract to provide for reduction in annual entitlement.

18. *Central Valley Project, California:* Amendatory contract to include the provision of the Act of July 2, 1956 (70 Stat. 483) in existing water service contracts.

19. *California Department of Corrections, CVP, California:* Water service for up to 1,000 acre-feet of water annually to serve the Sierra Conservation Center (a State prison) near Jamestown, California.

20. *Beneficiaries of Link River Dam, Klamath Project, California/Oregon:* Contract to provide for repayment of reimbursable costs associated with Safety-of-Dam expenditures.

21. *Redwood Valley Water District, SRPA, California:* Amendatory SRPA loan repayment contract.

22. *Placer County Water Agency, CVP, California:* Amendatory Contract No. 14–06–200–5082A to provide for the current CVP water rates.

Lower Colorado Region

Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, Nevada 89005, telephone (702) 293–8536.

1. *U.S. Army Yuma Proving Grounds, Yuma Project, Arizona:* Amendatory contract to increase the maximum amount of water delivered from 55 acre-feet to 975 acre-feet, pursuant to the recommendation of the Arizona Department of Water Resources.

2. *Agricultural and M&I water users, CAP, Arizona:* Water service subcontracts; a certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

3. *Southern Arizona Water Rights Settlement Act:* Sale of up to 28,200 acre-feet per year of municipal effluent to the city of Tucson, Arizona.

4. *Contracts with five agricultural entities located near the Colorado River, BCP, Arizona:* Water service contracts for up to 1,920 acre-feet per year total.

5. *Gila River Indian Community, CAP, Arizona:* Water service contract for delivery of up to 173,000 acre-feet per year.

6. *ID's and similar water user entities:* Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. *Indian and non-Indian agricultural and M&I water users, CAP, Arizona:* Contracts for repayment of Federal expenditures for construction of distribution systems.

8. *State of Arizona, BCP, Arizona:* Contract for an undetermined amount of Colorado River water for M&I use on State-owned land.

9. *State of Arizona, BCP, Arizona:* Contract for an undetermined amount of Colorado River water for agricultural use and related purposes on State-owned land.

10. Contract with four individual holders of miscellaneous present perfected rights to Colorado River water totalling 4.5 acre-feet, pursuant to the January 9, 1979, Supplemental Decree of the United States Supreme Court in *Arizona* v. *California* (439 U.S. 419).

11. Contracts for delivery of surplus water from the Colorado River, when available, with Emilio Soto and Sons, for 1,836 acre-feet per year; Kennedy Livestock, for 480 acre-feet per year.

12. *Imperial ID and/or the Coachella Valley Water District, BCP, California:* Contract providing for exchange of up to 10,000 acre-feet of water per year from a well field to be constructed adjacent to the All-American Canal (AAC) for an equivalent amount of Colorado River water and for O&M of the well field, Lower Colorado Water Supply Project, California.

13. *Lower Colorado Water Supply Project, California:* Water service and repayment contracts with nonagricultural users in California for consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the AAC from a well field to be constructed adjacent to the canal.

14. Hutchison present perfected rights contract amendment to reflect the transfer of part of the right to Winterhaven, California, Supreme Court Decree in *Arizona* v. *California* and BCP.

15. Winterhaven present perfected rights contract for a portion of Hutchison Present Perfected Rights transfer to Winterhaven, Supreme Court Decree in *Arizona* v. *California* and BCP.

16. *County of San Bernardino, SRPA, California:* Repayment contract for a $28.6 million loan.

17. *Wellton-Mohawk IDD and Gold Dome Mining Corporation (Corporation), Gila Project, Arizona:* Contract for delivery of 6.14 acre-feet of water per year to the Corporation through Wellton-Mohawk Division facilities.

18. *Wellton-Mohawk IDD, Gila Project, Arizona:* Exchange agreement providing for a reduction in Wellton-Mohawk IDD's contractual right to consumptively use 22,000 acre-feet of Colorado River water per year, providing for discharge of the IDD's repayment obligation and exemption from the full-cost pricing and acreage limitation provisions of Federal Reclamation law; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

19. Water delivery contracts with seven Phoenix area cities providing for the delivery of up to 27,000 acre-feet per year through the CAP; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

20. Agreements with seven Phoenix area cities providing for the lease of the Salt River Pima-Maricopa Indian Community's CAP entitlement of 13,300 acre-feet per year to the cities; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

21. *Salt River Pima-Maricopa Indian Community, CAP, Arizona:* Amendatory CAP water delivery contract providing for extension of the contract term and authorizing the Community to lease its CAP water to the Phoenix area cities; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

22. *Salt River Pima-Maricopa Indian Community, Salt River Project, Arizona:* Amendatory agreement to increase the Community's allotment of Bartlett Dam water from the Salt River Project; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

23. *Roosevelt Water Conservation District, Salt River Project, Arizona:* Agreement assigning a portion of the District's CAP agricultural water to seven Phoenix area cities; Salt River Pima-Maricopa Indian Community Water Rights Settlement Act of 1988.

24. *Roosevelt Water Conservation District, Salt River Project, Arizona:* Agreement to extend the term of the District's water salvage contract; Salt River Pima-Maricopa Indian Water Rights Settlement Act of 1988.

25. *Tohono O'odham Nation, SRPA, Tucson, Arizona:* Repayment contract for an $8.2 millon loan to the Schuk Toak District.

26. *San Carlos IDD, San Carlos Project, Arizona:* Repayment contract for District's share of the Safety-of-Dams repair to Coolidge Dam.

27. *Gila River Indian Community, San Carlos Project, Arizona:* Repayment contract for Community's share of the Safety-of-Dams repair to Coolidge Dam.

28. *Sturges Trust, Gila Project, Arizona:* Contract for delivery of 8,500 acre-feet of Colorado River water per year for agricultural use as recommended by the State of Arizona and to recognize the present perfected right to the use of Colorado River water.

29. *Phoenix Area Cities, CAP, Arizona:* Amendment to the CAP Plan 6 Funding Agreement to extend the deadline to demand the return of funds contributed for the Cliff Dam alternative water supply.

30. *Fort Mohave Indian Reservation, BCP, Arizona/Nevada/California:* Contract for delivery of Colorado River water for their federal establishment present perfected right.

Upper Colorado Region

Bureau of Reclamation, P.O. Box 11568, 125 South State Street, Salt Lake City, Utah 84147, telephone (801) 524–5435.

1. *Individual irrigators, M&I, and miscellaneous water users, Utah, Wyoming, Colorado, and New Mexico:* Temporary (interim) water service contracts for surplus project water to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) *The Benevolent and Protective Order of the Elks, Lodge No. 1747, Navajo Reservoir, CRSP, New Mexico:* Water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

(b) *Mt. Crested Butte Water and Sanitation District, Blue Mesa Reservoir, CRSP, Colorado:* Water service contract; 25 acre-feet per year to support present diversion rights for municipal use; contract term for 40 years from execution.

2. *San Juan Water Commission, Animas-La Plata Project, New Mexico:* Repayment contract; 30,800 acre-feet per year for M&I, terms consistent with binding cost-sharing agreement, dated June 30, 1986.

3. *Southern Ute Indian Tribe, Animas-La Plata Project, Colorado:* Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 3,300 acre-feet in Phase Two. Contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement, in principle.

4. *Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico:* Repayment contract for 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; and 900 acre-feet per year for irrigation use in New Mexico. Contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

5. *Navajo Indian Tribe, Animas-La Plata Project, New Mexico:* Repayment contract; 7,600 acre-feet per year for M&I use.

6. *State of Colorado, Animas-La Plata Project, Colorado:* Escrow Account Agreement.

7. *Uintah Water Conservancy District, Jensen Unit, CUP, Utah:* Amendatory repayment contract to reduce M&I water supply and repayment obligation.

8. *Vermejo Conservancy District, Vermejo Project, New Mexico:* Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Public Law 96–550.

9. *Conejos Water Conservancy District, San Luis Valley Project, Colorado:* Contract to place operation, maintenance, and replacement costs on a variable basis commensurate with the availability of project water.

10. *Weber Basin Water Conservancy District, Weber Basin Project, Utah:* Repayment contract for R&B of the A.V. Watkins Dike.

11. *Ogden River Water Users Association, Ogden River Project, Utah:* Repayment contract for R&B of portions of the Pineview Dam, Ogden Canyon Conduit, Ogden-Brigham Canal and South Ogden Highline Canal.

12. *South Cache Water User's Association, Hyrum Project, Utah:* Repayment contract for R&B of portion of Hyrum Dam, Hyrum/Mendon Canal, Hyrum Feeder Canal, Wellsville Canal, and other miscellaneous work.

13. *Miscellaneous M&I and irrigation water users in New Mexico, San Juan-Chama Project, New Mexico-Colorado:* Repayment contracts for remaining project water allocated in 1975 or before. Contract amounts vary from 60 to 3,000 acre-feet.

14. *Individual irrigators, M&I users, and miscellaneous water users, Dallas Creek Project, Wayne N. Aspinall Unit, CRSP, Colorado:* Drought relief pursuant to Disaster Assistance Act of 1988 for temporary water service contracts for surplus project water up to 10,000 acre-feet through 1989.

Great Plains Region

Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone (406) 657–6413.

1. *Individual irrigators, M&I, and miscellaneous water users, Great Plains Region, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Oklahoma, and Texas:* Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. *Fort Shaw ID, Sun River Project, Montana:* R&B loan repayment contract.

3. Execution of loan contracts pursuant to the Disaster Assistance Act of 1988, to mitigate the effect of the 1988–1989 drought (Pub. L. 100–387).

4. *Owl Creek ID, Owl Creek Unit, P–SMBP, Wyoming:* Amendatory water service contract to reflect reduced water supply benefits being received from Anchor Reservoir.

5. *Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado:* Water service contracts for the marketable yield to water users within the Colorado River Basin of Western Colorado.

6. *Colorado Water Conservation Board, Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado:* Second round negotiations of a water service contract for sale of the regulatory capacity of Ruedi Reservoir up to 10,000 acre-feet of water annually for the protection of threatened and endangered fishes in the Upper Colorado River Basin.

7. *East Slope Storage System, Pueblo Reservoir, Twin Lakes, and Turquoise Reservoir, Fryingpan-Arkansas Project, Colorado:* Contract for temporary and long-term storage and exchange contracts.

8. *Cedar Bluff ID No. 6, Cedar Bluff Unit, P–SMBP, Kansas:* Amendatory repayment contract to relieve all contract obligations. The reservoir storage capacity has been sold to the State of Kansas for fish, wildlife, recreation, and other purposes.

9. *Mirage Flats ID and the Nebraska Game and Parks Commission, Mirage Flats Project, Nebraska:* Agreement to retain storage in Box Butts Reservoir for fish, wildlife and recreation purposes.

10. *Frenchman Valley Irrigation District, Frenchman Unit, P–SMBP, Nebraska:* Pending passage of legislation, renegotiate District's existing contract to reduce payments based on payment ability and reduced water supply.

11. *Northern Colorado Water Conservancy District and the Municipal Subdistrict, Colorado-Big Thompson Project, Colorado:* Contract for storage and conveyance of water for the Windy Gap Project: Amendatory contract to make administrative and technical revisions to conform the contract terms and conditions to the Windy Gap Project as actually constructed and operated.

12. *Department of Natural Resources and Conservation, SRPA, Montana:* Grant and loan contract for rehabilitation of Middle Creek Dam to meet required safety criteria and to increase reservoir storage capacity by 1,917 acre-feet which will be utilized for irrigation and municipal purposes.

13. *Garrison Diversion Conservancy District, Garrison Diversion Unit, P–SMBP, North Dakota:* Renegotiation of the master repayment contract to bring the terms in line with the Garrison Diversion Unit Reformulation Act of 1986. Negotiation of repayment contracts with irrigators and M&I users.

14. *Gray Goose ID, Gray Goose Unit, P–SMBP, South Dakota:* Contract negotiations to integrate Gray Goose ID into the P–SMBP as authorized pursuant to section 1120 of the Water Resource Development Act of January 21, 1986 (Pub. L. 99–662).

15. *Hilltop ID, Hilltop Unit, P–SMBP, South Dakota:* Contract negotiations to integrate Hilltop ID into the P–SMBP as authorized pursuant to section 1120 of the Water Resource Development Act of January 21, 1986 (Pub. L. 99–662).

16. *PacifiCorp, formerly Pacific Power and Light Company, Glendo Unit, P–SMBP, Wyoming:* Contract negotiations for renewal of water storage contract for 2,000 acre-feet of nonproject industrial water.

17. *Corn Creek ID, Glendo Unit, P–SMBP, Wyoming:* Repayment contract for 10,350 acre-feet of supplemental irrigation water from Glendo Reservoir.

18. *Hidalgo County ID No. 1, Lower Rio Grande Valley, Texas:* Supplemental SRPA loan contract for approximately $13,017,000 plus reimbursable interest.

19. *Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma:* Amendatory repayment contract for remedial work.

20. *Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma:* Contract for the repayment of costs incurred by the United States for the

construction of the Sulphur, Oklahoma, pipeline and pumping plant.

21. *Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma:* Amendatory contract for revised repayment schedule to reflect credit for project lands transferred to National Park Service under Public Law 94–235 for the Chickasaw National Recreation Area.

22. *Highland-Hanover ID, Boysen Unit, P–SMBP, Wyoming:* R&B loan repayment.

23. *Upper Bluff ID, Boysen Unit, P–SMBP, Wyoming:* R&B loan repayment.

24. *Board of Water Commissioners of the City and County of Denver,* the Colorado River Water Conservation District, and the Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Operating agreement for substitution of water in the proposed Muddy Creek or Rock Creek Reservoir for Green Mountain Reservoir water.

25. *City of Dickinson, Heart River Unit, P–SMBP, North Dakota:* Renegotiate a M&I water service contract which expired September 24, 1989.

26. *Malta ID, Milk River Project, Montana:* R&B loan repayment.

27. *Glasgow ID, Milk River Project, Montana:* R&B loan repayment.

28. *Twin Loups ID, North Loup Project, P–SMBP, Nebraska:* Amendatory D&MC contract to increase ceiling from $500,000 to $2.5 million.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within the time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of a proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60-day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification, and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Dated: October 20, 1989.

Joseph H. Hunter,

Acting Commissioner of Reclamation.

[FR Doc. 89–25470 Filed 10–27–89; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–299 (Final)]

Aluminum Sulfate From Venezuela

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701–TA–299 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Venezuela of aluminum sulfate, provided for in subheading 2833.22.00 of the Harmonized Tariff Schedule of the United States (previously reported under item 417.16 of the Tariff Schedules of the United States), that have been found by the Department of Commerce, in its final determination, to be subsidized by the Government of Venezuela. The Commission will make its final injury determination within 75 days after receipt of Commerce's notification of its final determination (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended, 53 FR 33034 (Aug. 29, 1988) and 54 FR 5220 (Feb. 2, 1989)), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: October 25, 1989.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–252–1180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–252–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–252–1000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of a final affirmative determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Venezuela of aluminum sulfate. This investigation was requested in a petition filed on March 29, 1989 by General Chemical de Puerto Rico, Inc., Dorado, Puerto Rico. In response to that petition the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports on the subject merchandise (54 FR 22632, May 25, 1989).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late

entry for good cause shown by the person desiring to file the entry.

Public Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited Disclosure of Business Proprietary Information Under a Protective Order and Business Proprietary Information Service List

Pursuant to section 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff Report

A prehearing staff report applicable to this investigation was placed in the nonpublic record on October 13, 1989, and a public version was issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing on a related antidumping investigation, Aluminum Sulfate from Venezuela, inv. No. 731–TA–431 (Final), beginning at 9:30 a.m. on October 26, 1989, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. At that hearing, the Commission will hear testimony and receive evidence regarding the countervailing duty investigation instituted herein. (Requests for a separate hearing in separate hearing in this investigation for the limited purpose of supplementing the October 26, 1989, hearing record with testimony and evidence solely related to the countervailing duty investigation, should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 3, 1989. If such a hearing is requested, parties will be contacted regarding dates for the hearing and for the filing of briefs.)

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submission

Post hearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 2, 1989. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before November 2, 1989.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than November 7, 1989. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: October 25, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89–25538 Filed 10–27–89; 8:45 am]

BILLING CODE 7020–02–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under Office of Management and Budget Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) a proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 35).

DATE: Comments on this information collection must be submitted on or before November 29, 1989.

ADDRESSES: Send comments to Ms. Carol Gordon-Berry, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 419, Washington, DC 20506 (202–786–0410) (TDD:786–0282) and Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place, NW., Room 3208, Washington, DC 20503 (202–395–7316).

FOR FURTHER INFORMATION CONTACT: Ms. Carol Gordon-Berry, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Room 419, Washington, DC 20506 (202–786–0410) from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entities are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if

applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h). Recipients of National Endowment for the Humanities grants are required to complete an evaluation of their policies and practices with respect to the handicapped. This self-evaluation is retained by the grantee, made available for public inspection and provided to the Endowment upon request. The self-evaluation is required at 45 CFR 1170.53(c) pursuant to 29 U.S.C. 794.

Category: Extension

Title: Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities.

Form Number: Not applicable.

Frequency of Collection: Once.

Respondents: Grantees of the National Endowment for the Humanities with fifteen or more employees.

Use: Evaluation of grantee programs and policies with respect to the handicapped.

Estimated Number of Respondents: 750.

Frequency of Response: Once.

Estimated Hours of Respondents to Provide Information: 8 per respondent.

Estimated Total Annual Reporting and Recording Burden: 6,000 hours.

Thomas S. Kingston,

Assistant Chairman for Operations.

[FR Doc. 89-25407 Filed 10-27-89; 8:45 am]

BILLING CODE 7536-01-M

Dance Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Grants to Dance Presenters Section) to the National Council on the Arts will be held on November 15-16, 1989, from 9:00 a.m.—10:00 p.m. and on November 17, 1989, from 9:00 a.m.—6:00 p.m. in Room M14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506

A portion of this meeting will be open to the public on November 17, 1989, from 4:00 p.m.—6:00 p.m., time permitting. The topic for discussion will be policy issues.

The remaining portions of this meeting on November 15-16, 1989, from 9:00 a.m.—10:00 p.m. and November 17, 1989, from 9:00 a.m.—4:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: October 23, 1989.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 89-25494 Filed 10-27-89; 8:45 am]

BILLING CODE 7537-01-M

Opera-Musical Theater Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Opera-Musical Theater Advisory Panel (Overview Section) to the National Council on the Arts will be held on December 4-5, 1989, from 9:00 a.m.—5:30 p.m. in room M07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis. The topics for discussion will be guidelines.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: October 23, 1989.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 89-25495 Filed 10-27-89; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Meeting; Advisory Panel for Cell Biology Program

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology Program.

Date and Time: November 15-17, 1989, 8:30 a.m. to 5:00 p.m.

Place: Ambassador Room, State Plaza Hotel, 2116 F Street NW., Washington, DC 20550.

Type of Meeting: Part Open—Closed 11/15-8:30 a.m. to 5:00 p.m.; Open 11/16—12:00 p.m. to 1:30 p.m.; Closed 11/17—8:30 a.m. to 5:00 p.m.

All other times the meeting is closed

Contact Person: Dr. Maryanna P. Henkart, Program Director, Cell Biology Program, Room 321, National Science Foundation, Washington, DC 20550 Telephone 202/357-7474.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Cell Biology.

Agenda: Open—General discussion of the current status and future plans of the Cell Biology Program.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-25454 Filed 10-27-89; 8:45 am]

BILLING CODE 7555-01-M

Meeting; Geography and Regional Science Advisory Panel

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National

Science Foundation announces the following meeting:

Name: Advisory Panel for Geography and Regional Science.

Date/Time: November 20, 1989: 8:00 a.m. to 6:00 p.m.; November 21, 1989: 8:00 a.m. to 4:30 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC 20550, Room 1242.

Type of Meeting: Part Open—November 21, 1989, 2:00–3:00 p.m. Remainder of meeting is closed.

Contact Person: Dr. Thomas J. Baerwald, Program Director, Geography and Regional Science, National Science Foundation, Washington, DC 20550, Room 336, (202) 357–7326.

Minutes: May be obtained from the contact person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning research in geography and regional science.

Agenda: Open—general discussion of trends and opportunities in geography and regional science research.

Closed—to review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89–25455 Filed 10–27–89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on General Electric Reactor Plants; Meeting

The ACRS Subcommittee on General Electric Reactor Plants will hold a meeting on November 14, 1989, Room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, November 14, 1989—8:30 a.m. until the conclusion of business:

The Subcommittee will review the restart of Nine Mile Point Unit 1.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with respresentatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 301/492–7750) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 23, 1989.

Gary R. Quittschreiber,

Chief, Project Review Branch No. 2

[FR Doc. 89–25462 Filed 10–27–89; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Policies and Practices; Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on November 15, 1989, Room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, November 15, 1989—9:30 a.m. until the conclusion of business:

The Subcommittee will continue to discuss integration of the regulatory process.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hold discussions with representatives of the NRC and industry regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Gary Quittschreiber (telephone 301/492–9518) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: October 23, 1989.

Richard Savio,

Assistant Executive Director for Project Review.

[FR Doc 89–25463 Filed 10–27–89; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Extension of Forms for Office of Management and Budget Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980, (Title 44, U.S. Code, chapter 35), this notice announces a proposed extension of forms that collect information from the public. Executive Order 10450 requires that investigations be conducted on all persons entering the Federal Service. Optional Form 49 is a voucher sent to references and former employer/supervisors. The Optional Form 50 is a voucher form sent to educational

institutions; and the Optional Form 51 is a voucher form sent to local law enforcement agencies in conducting National Agency Checks and Inquiries (NACI) in non-sensitive and noncritical-sensitive positions as prescribed in section 3(a) of Executive Order 10450. These checks are a part of the investigation conducted for determining suitability for Federal employment/security clearance. Approximately 172,097 individuals complete the OF 49 annually with reporting hours of 14,336; 15,735 individuals complete the OF 50 with reporting hours of 1,311 and 39,636 individuals complete the OF 51 with reporting hours of 3,302. Each of these forms takes approximately 5 minutes to complete. For copies of this proposal call Lawrence Dambrose, on (202) 632-0199.

DATES: Comments on this proposal should be received November 29, 1989.

ADDRESS: Send or deliver comments to: Joseph Lackey, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building NW., Room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Peter Garcia, (202) 376-3800.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 89-25461 Filed 10-27-89; 8:45 am]

BILLING CODE 6325-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for Office of Management and Budget Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget (OMB) for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Application for Survivor Insurance Annuities.

(2) *Form(s) submitted:* AA-17, AA-17b, AA-18, AA-19, AA-19a, AA-19s, AA-20 and G-476c.

(3) *OMB Number:* 3220-0030.

(4) *Expiration date of current OMB clearance:* 11-30-89.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Frequency of response:* On occasion.

(7) *Respondents:* Individuals or households.

(8) *Estimated annual number of respondents:* 18,410.

(9) *Total annual responses:* 18,410.

(10) *Average time per response:* .3304 hours.

(11) *Total annual reporting hours:* 6,083.

(12) *Collection description:* Under section 2(d) of the RRA, monthly survivor annuities are payable to surviving widow(er)s, parents, unmarried children and, in certain cases, divorced wives (husbands), mothers (fathers), remarried wido(er)s and grandchildren of deceased railroad employees. The collection obtains information needed by the Railroad Retirement Board for determining entitlement to and amount of annuity applied for.

Additional Information or Comments

Copies of the proposed forms and supporting documents can be obtained from Ronald J. Hodapp, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Justin Kopca (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Ronald J. Hodapp,

Director of Information Resources Management.

[FR Doc. 89-25464 Filed 10-27-89; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended October 20, 1989

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No.: 46556.

Date filed: October 19, 1989.

Due date for answers, conforming applications, or motion to modify scope: November 16, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity to authorize nonstop air service between Miami, Florida, and Guayaquil, Ecuador.

Docket No.: 46558.

Date filed: October 19, 1989.

Due date for answers, conforming applications, or motion to modify scope: November 16, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity so as to authorize nonstop air service between Miami, Florida, and Buenos Aires, Argentina.

Docket No.: 46560.

Date filed: October 19, 1989.

Due date for answers, conforming applications, or motion to modify scope: November 16, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity so as to authorize nonstop air service between Miami, Florida, and the co-terminal points Rio de Janeiro and Sao Paulo Brazil.

Docket No.: 46562.

Date filed: October 20, 1989.

Due date for answers, conforming applications, or motion to modify scope: November 17, 1989.

Description: Application of American Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity so as to authorize nonstop air service between Miami, Florida, and Madrid, Spain.

Docket No.: 46564.

Date filed: October 20, 1989.

Due date for answers, conforming applications, or motion to modify scope: November 17, 1989.

Description: Application of Ryan International Airlines, Inc., pursuant to sections 418 and 401(d)(3) of the Act and Subpart Q of the Regulations, for amendment of its certificate authority to permit Ryan to provide (1) subservice for Orion and Air Train and (2) direct service for Emery.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-25434 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

[Summary Notice No. PE-89-41]

Petition for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before:

ADDRESS: Send comments on any petition in triplicate to:
Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. ____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-10). Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on October 24, 1989.

Deborah Swantk,

Acting Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 23921.
Petitioner: FlightSafety International.
Regulations Affected: 14 CFR 61.57(a)(1), (c) and (d); 61.58(c)(1) and (d); 61.63(d) (2) and (3); 61.67(d)(2); 61.157(d) (1) and (2) and (e) (1) and (2); Part 61, Appendix A; Part 121, Appendix H.
Description of Relief Sought: To extend Exemption No. 4058D that allows petitioner to use the FAA-approved simulators to meet certain training and testing requirements of the FAR. Exemption No. 4058D will expire on February 28, 1990.

Docket No.: 24770.
Petitioner: FlightSafety International.
Sections of the FAR Affected: 14 CFR 61.57(a)(1) and 61.58(c).
Description of Relief Sought: To extend Exemption No. 4609B that allows petitioner to substitute an FAA-approved helicopter training program using petitioner's facilities for the S-76 and Bell 222 aircraft.

Docket No.: 25336.
Petitioner: United Airlines.
Regulations Affected: 14 CFR 121.697(a)(3) and 121.709(b)(3).
Description of Relief Sought/Disposition: To allow United to use a computer-printed name of a qualified person in lieu of their physical signature on the Maintenance Release portion of the aircraft Flight Log Book.

Docket No.: 25964.
Petitioner: United Express.
Sections of the FAR Affected: 14 CFR 135.181(a)(2).
Description of Relief Sought: To allow petitioner to use drift down performance on certain specified routes using the Jetstream 3100 and Jetstream 3200 series aircraaft.

Docket No.: 26006.
Petitioner: Beech Aircraft Corporation.
Sections of the FAR Affected: 14 CFR 47.69(b).
Description of Relief Sought: To allow use of a dealer's certificate outside the United States.

Docket No.: 25739.
Petitioner: Dorothy S. Blevins.
Regulations Affected: 14 CFR 141.35(e).
Description of Disposition: To allow petitioner to serve as a chief ground instructor in the Pro Business Services' Part 141 pilot ground school courses. Granted October 17, 1989. Exemption No. 5107.

[FR Doc. 89-25450 Filed 10-27-89; 8:45 am]
BILLING CODE 4910-13-M

Flight Services Station at Greater Rockford Airport; Rockford, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of closing.

SUMMARY: Notice is hereby given that on October 3, 1989, the Flight Service Station (FSS) at Rockford, Illinois was closed. Services to the aviation public in the Rockford flight plan area, formerly provided by Rockford FSS, are being provided by the automated flight service station (AFSS) at Kankakee, Illinois. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313 (a), 72 Stat. 752; 49 U.S.C. 1354.)

Teddy W. Burcham,

Acting Regional Administrator, Great Lakes Region.

[FR Doc. 89-25449 Filed 10-27-89; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Guilford County, North Carolina

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Guilford County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Robert L. Lee, District Engineer, Federal Highway Administration, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone: (919) 790-2856.

SUPPLEMENTARY INFORMATION: The FHWA, in corporation with the North Carolina Department of Transportation (NCDOT) and the City of Greensboro, will prepare an Environmental Impact Statement (EIS) on a proposed Greensboro Western Urban Loop in Guilford County. The proposed action would be the construction of a new 15-mile multi-lane divided facility from I-85 in the south, between Groometown Road (SR 1129) and Holden Road (SR 1117) to Lawndale Drive (SR 2303) in the north, between Lake Jeannette Road (SR 2352) and Lake Brandt Road (SR 2347).

The proposed project is needed to serve the existing and anticipated future traffic demand and to relieve congestion, delay, and inconvenience to motorists during crosstown trips.

Alternatives under consideration include the "no-build" and alternate corridors for construction of a new facility.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A meeting with local officials and public meetings are planned in the study area as a part of the early studies.

Public hearings will also be held. Information on the time and place of the public hearings will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To assure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA to the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consolidation on Federal programs and activities apply to this program)

Robert L. Lee,

District Engineer, Raleigh, North Carolina.

[FR Doc. 89-25465 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 89-93]

Extension of Analyses for Which Atlantic Petroleum Services, Inc., an Accredited Customs Laboratory, has been Accredited to Perform

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of an additional analysis for which Atlantic Petroleum Services, Inc., a Customs accredited commercial laboratory, has been accredited to perform.

SUMMARY: Atlantic Petroleum Services, Inc., of Staten Island, New York, a Customs accredited commercial laboratory under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of their commerical laboratory accreditation to include the following analysis: distillation characteristics.

SUPPLEMENTARY INFORMATION: Part 151 of the Customs Regulations provides for the acceptance at Customs Districts of laboratory analyses from Customs-accredited commercial laboratories for certain products. Atlantic Petroleum Services, Inc., which holds Customs accreditation in certain laboratory analyses has applied to Customs to extend its accreditation to the performance of an additional analysis. Review of Atlantic Petroleum Services, Incorporated, qualifications shows that the extension is warranted and accordingly, has been granted.

EFFECTIVE DATE: October 25, 1989.

FOR FURTHER INFORMATION CONTACT: Donald A. Cousins, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2446).

Dated: October 24, 1989.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 89-25409 Filed 10-27-89; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 89-92]

Approval of Tucker Inspections, Inc. as a Commercial Gauger

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of Approval of Tucker Inspections, Incorporated, as a Commercial Gauger.

SUMMARY: Tucker Inspections, Incorporated, of Channelview, Texas, 77530, recently applied to Customs for approval to gauge imported petroleum, petroleum products, organic chemicals, and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that Tucker Inspections, Inc., meets the requirements for approval.

Therefore, in accordance with § 151.13(c), Tucker Inspections, Incorporated, 519 Sheldon Road, Suite E, Channelview, Texas, 77530, is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: October 25, 1989.

FOR FURTHER INFORMATION CONTACT: Donald A. Cousins, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-2446).

Dated: October 13, 1989.

John B. O'Loughlin,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 89-25408 Filed 10-27-89; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 208
Monday, October 30, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 41563, October 10, 1989.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, October 31, 1989.

CHANGE IN THE MEETING: The Commission has postponed the open meeting to discuss the application submitted by the Chicago Mercantile Exchange to trade One-Month LIBOR (London Interbank Offered Rate) futures until 10:00 a.m., Thursday, November 2, 1989.

CONTACT PERSON FOR MORE INFORMATION: Lynn K. Gilbert, Deputy Secretary of the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 89-25534 Filed 10-25-89; 4:11 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 41563, October 10, 1989.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, October 31, 1989.

CHANGE IN THE MEETING: The Commission has postponed the closed meeting to discuss enforcement matters until 10:30 a.m., Thursday, November 2, 1989.

CONTACT PERSON FOR MORE INFORMATION: Lynn K. Gilbert, Deputy Secretary of the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 89-25535 Filed 10-25-89; 4:11 pm]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 43519, October 25, 1989.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11:00 a.m., Tuesday, October 31, 1989.

CHANGE IN THE MEETING: The Commission has postponed the closed meeting to discuss a rule enforcement review until 11:00 a.m., Thursday, November 2, 1989.

CONTACT PERSON FOR MORE INFORMATION: Lynn K. Gilbert, Deputy Secretary of the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

[FR Doc. 89-25553 Filed 10-26-89; 10:53 am]

BILLING CODE 6351-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552(b), notice is hereby given that at 2:12 p.m. on Tuesday, October 24, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to: (1) The possible closing of an insured bank; and (2) an assistance agreement pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director M. Danny Wall (Director of the Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, DC.

Dated: October 25, 1989.

Federal Deposit Insurance Corporation.

M. Jane Williamson,

Assistant Executive Secretary.

[FR Doc. 89-25540 Filed 10-25-89; 5:06 pm]

BILLING CODE 6714-01-M

NATIONAL COUNCIL ON THE HANDICAPPED

National Council on Disability; Quarterly Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Council on Disability. This notice also describes the functions of the Council. Notice of this meeting is required under section 522 (b) (10) of the "Government in Sunshine Act" (Pub. L. 94-409).

DATES: Oct 30, 1989, 9:00 a.m. to 5:00 p.m., Oct. 31, 1989, 9:00 a.m. to 5:00 p.m., Nov. 1, 1989, 9:00 a.m. to 1:00 p.m.

LOCATION: Hyatt Regency-Austin, Austin, Texas.

FOR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue, SW., Suite 814, Washington, DC 20591, (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent Federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law No. 95-602 in 1978), the Council was initially an advisory board within the Department of Education. In 1984, however, the Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Public Law No. 98-221).

The Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting disabled individuals and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR).

The meeting of the Council shall be open to the Public. The proposed agenda includes:

Report from the Chairperson and Executive Committee
Update on Prevention
Update on IOM Study
Update on NIDRR
Discussion of PCEPD Workplans
NCD Planning Session
Committee Meeetings
Health Insurance
Personal Assistance
Employment

NIDRR
Discussion of NCD Awards Program
Committee Reports
Open Forum on Social Security
Unfinished Business
New Business
Announcements

Records shall be kept of all Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, DC, on July 31, 1989.

Ethel D. Briggs,

Deputy Director.

[FR Doc. 89-25617 Filed 10-26-89; 1:22 pm]

BILLING CODE 6820-BS-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting

AGENCY: Institute of Museum Services.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government in the Sunshine Act (Public Law 94-409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME AND DATE: 09:00 a.m., Friday, November 17th, 1989.

STATUS: Open.

ADDRESS: The Old Post Office Pavilion, 1100 Pennsylvania Avenue, NW., Main Floor, Room M07, Washington, DC 20506, (202) 786-0536.

FOR FURTHER INFORMATION CONTACT: William Laney, Executive Assistant to the National Museum Services Board, Room 510, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 786-0536.

SUPPLEMENTARY INFORMATION:

The National Museum Services Board is established under the Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94-462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meeting of November 17th, 1989 will be open to the public.

If you need special accommodations due to a disability, please contact: Institute of Museum Services, Room 510—1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, (202) 786-0536, TDD (202) 786-9136 at least seven (7) days prior to the meeting.

Agenda

I. NMSB Chairman's Report and Approval of Minutes of July 21, 1989 Meeting
II. IMS Director's Report, NMSB Lunch Break
III. IMS Program Report
IV. General Board Discussion

Dated: October 25, 1989.

Daphne Wood Murray,

Director, Institute of Museum Services.

[FR Doc. 89-25626 Filed 10-26-89; 1:30 pm]

BILLING CODE 7036-01-M

RESOLUTION TRUST CORPORATION

Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:20 p.m. on Tuesday, October 24, 1989, the Board of Directors of the Resolution Trust Corporation met in closed session to consider matters relating to delegations of authority.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director M. Danny Wall (Director of the Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(9)(B)).

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: October 25, 1989.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 89-25541 Filed 10-25-89; 5:07 pm]

BILLING CODE 6714-01-M

Corrections

Federal Register
Vol. 54, No. 208
Monday, October 30, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN AND SERVICES

Food and Drug Administration

[Docket No. 89N-0432]

Par Pharmaceutical, Inc,; Proposal to Withdraw Approval of Three Abbreviated New Drug Applications; Opportunity for a Hearing

Correction

In notice document 89-24327 beginning on page 42367 in the issue of Monday, October 16, 1989, make the following corrections:

1. On page 42368, in the first column, in the italized heading, in the first line, "Trimameterene" should read "Triamterene".

2. On the same page, in the third column, in the second paragraph, in the second line from the bottom, "231" should read "21", and "not" should read "do not".

BILLING CODE 1505-01-D

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Designation of Anchorage (AK) Equal Rights Commission

Correction

In rule document 89-23219 appearing on page 40657 in the issue of Tuesday, October 3, 1989, make the following corrections:

§ 1601.80 [Corrected]

1. On page 40657, in the third column, the heading § 1601.60 [AMENDED] should read as set forth above.

2. On the same page, in the same column, in amendatory instruction 2., in the first line, "1601.60" should read "1601.80".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 442

[Docket No. 89N-0326]

Antibiotic Drugs; Cefuroxime Sodium Injection

Correction

In rule document 89-23214 beginning on page 40653 in the issue of Tuesday, October 3, 1989, make the following correction:

§ 442.218b [Corrected]

On page 40654, in § 442.218b, in the second column, in the eighth line, "confirms" should read "conforms".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 453

[Docket No. 89N-0324]

Antibiotic Drugs; Clindamycin Phosphate Lotion

Correction

In rule document 89-23213 beginning on page 40654 in the issue of Tuesday, October 3, 1989, make the following corrections:

1. On page 40654, in the third column, under ADDRESSES:, in the fifth line, the zip code should read "20857".

§ 453.522 [Corrected]

2. On page 40655, in the third column, in § 453.522(b), in the 12th line, "silicia" should read "silica".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89N-0416]

Vitarine Pharmaceuticals, Inc.; Proposal to Withdraw Approval of Abbreviated Antibiotic Drug Applications and Abbreviated New Drug Applications; Opportunity for a Hearing

Correction

In notice document 89-23374 beginning on page 40740 in the issue of Tuesday, October 3, 1989, make the following corrections:

1. On page 40743, in the third column, in the last complete paragraph, beginning in the sixth line, remove "however, the batch of Cephalexin for Oral Suspension made at St. Croix;".

2. On page 40744, in the second column, in the first heading, ANDA 71-656 should read ANDA 71-565.

3. On page 40746, in the 1st column, in the second complete paragraph, in the 16th line, after "absence" insert "of reliable data demonstrating stability and bioequivalence".

4. On page 40747, in the third column, in the fourth complete paragraph, in the second line, "502" should read "505".

BILLING CODE 1505-01-D

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

Correction

In notice document 89-23815 beginning on page 41527 in the issue of Tuesday, October 10, 1989, make the following correction:

On page 41527, in the first column, in the third paragraph, in the fifth line, "November 6-9" should read "November 6-7".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 88-031]

RIN 2115-AC99

Documentation of Vessels; Controlling Interest

Correction

In proposed rule document 89-24251 beginning on page 41992 in the issue of Friday, October 13, 1989, make the following corrections:

1. On page 41993, in the first column, under **Discussion of Comments**, in paragraph "a", in the eighth line from the bottom "there" was misspelled.

2. On page 41994, in the first column, in the first incomplete paragraph, in the last line, the first "it" should read "if".

3. On page 41995, in the first column, in the next to the last paragraph, in the third line from the bottom, "notice" was misspelled.

4. On the same page, in the third column, under **Discussion of the Proposed Rule**, in the second paragraph, in the second line, "67.01" should read "67.03".

5. On page 41996, in the third column, in the first complete paragraph, in the ninth line, "not" should read "now".

6. On the same page, in the same paragraph, in the second line from the bottom "§ 67.03-8" should read "§ 67.03-9".

7. On page 41997, in the first column, in the first incomplete paragraph, in the second line from the bottom "in" should read "is".

8. On the same page, in the same column, in the first complete paragraph, in the second line from the bottom "is" should read "in".

9. On the same page, in the same column, in the last incomplete paragraph, in the 19th line "of" should read "or".

BILLING CODE 1505-01-D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AD96

Independent Medical Opinions

Correction

In proposed rule document 89-25098 beginning on page 43436 in the issue of Wednesday, October 25, 1989, make the following correction:

On page 43436, in the second column, under **ADDRESSES**, in the last sentence, "December 24, 1989" should read "December 4, 1989".

BILLING CODE 1505-01-D

Reader Aids

Federal Register

Vol. 54, No. 208

Monday, October 30, 1989

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

40369-40626.....2
40627-40856.....3
40857-41038.....4
41039-41236.....5
41237-41428.....6
41429-41576.....10
41577-41816.....11
41817-41942.....12
41943-42286.....13
42287-42462.....16
42463-42798.....17
42799-42944.....18
42945-43032.....19
43033-43166.....20
43167-43264.....23
43265-43414.....24
43415-43574.....25
43575-43794.....26
43795-43934.....27
43935-45728.....30

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
Ch. III.....40880

3 CFR

Proclamations:
6030.....40839
6031.....40849
6032.....40851
6033.....40853
6034.....41039
6035.....41041
6036.....41429
6037.....41431
6038.....41573
6039.....41577
6040.....41579
6041.....41581
6042.....41817
6043.....42281
6044.....42283
6045.....42461
6046.....42463
6047.....42465
6048.....42737
6049.....42943
6050.....43033
6051.....43265
6052.....43267
6053.....43793
6054.....43795
6055.....43935
6056.....43937

Executive Orders:
11145 (Continued by EO 12692).....40627
11183 (Continued by EO 12692).....40627
11287 (Continued by EO 12692).....40627
11776 (Continued by EO 12692).....40627
12131 (Continued by EO 12692).....40627
12171 (Amended by EO 12693).....40629
12190 (Continued by EO 12692).....40627
12196 (Continued by EO 12692).....40627
12216 (Continued by EO 12692).....40627
12296 (Revoked by EO 12692).....40627
12345 (Continued by EO 12692).....40627
12345 (Amended by EO 12694).....42285
12367 (Continued by EO 12692).....40627
12382 (Continued by EO 12692).....40627
12462 (Revoked by EO 12692).....40627
12528 (Revoked by EO 12692).....40627
12592 (Revoked by EO 12692).....40627
12601 (Revoked by EO 12692).....40627
12607 (Revoked by EO 12692).....40627
12610 (Superseded by EO 12692).....40627
12668 (Revoked by EO 12692).....40627
12692.....40627
12693.....40629
12694.....42285

Administrative Orders:
Orders:
Aug. 25, 1989 (Superseded by Final Order of Oct. 16, 1989).....42795
Oct. 16, 1989.....42795
Presidential Determinations:
No. 90-1 of Oct. 5, 1989.....43797
No. 90-2 of Oct. 6, 1989.....43035

5 CFR

890.....43939

7 CFR

2.....42467
26.....41237
250.....42467
301.....40570, 42478, 43037, 43269, 43575
352.....43167
401.....43269-43273
422.....43276
701.....41319
906.....41583
910.....40369, 41433, 42287, 43038, 43799
920.....41433
946.....41585
989.....41586, 43039
1065.....41240
1079.....40857, 41241
1137.....41437
1427.....41237
1434.....41588
1435.....41043, 41588
1446.....40658
1475.....43941
1477.....40369
1610.....43415
1765.....41713
1864.....42799
1930.....43415

1962.....42799
1980.....42480
2003.....42492
Proposed Rules:
51.....41597, 41599, 43384
301.....43585
401.....41246, 41248, 43295
403.....41249
456.....42305
906.....41249
926.....41251
949.....42306
955.....41252
966.....41253
968.....41601
981.....41979
1032.....43182
1139.....41254
1762.....43429
1948.....41626

8 CFR

245.....43384

9 CFR

77.....42945
318.....43041
319.....40631
327.....41045
381.....41045, 43948
Proposed Rules:
71.....41845, 43065
78.....43065
80.....41845
92.....42144
94.....41845

10 CFR

11.....40859
20.....42287
21.....42287
25.....40859
35.....41819
51.....43576
73.....42287
95.....40859
600.....41943
Proposed Rules:
2.....40780
50.....41980

12 CFR

207.....43952
220.....43952
221.....43952
224.....43952
Ch. III.....42799
312.....40377, 43521
Ch. V.....42799
701.....43277
708.....43278
747.....43280
932.....43384
1510.....41948
1511.....41948
Proposed Rules:
5.....42306
7.....42306, 43398
32.....43398
203.....41255
220.....41454
745.....43297
747.....43299

13 CFR

124.....43217
Proposed Rules:
121.....42512

14 CFR

21.....41955, 43417
23.....41955, 43417
25.....43922
29.....43928
39.....40381, 40382, 40632, 40633, 40635, 40636–40639, 41051–41054, 41438, 41821, 41958–41960, 42288–42292, 42493, 42621, 43045–43047, 43217, 43578–43581, 43800–43805, 43954
61.....41234
71.....41822, 42293, 42494, 42495, 42801, 43048, 43385, 43422, 43423, 43582, 43786, 43956–43959
73.....42495
91.....40624, 41211, 42439, 43049
97.....41590, 43048
121.....43922
135.....43922
1260.....43050
Proposed Rules:
Ch. I.....40672, 43430
1.....41986, 42916
11.....42916
27.....41986
29.....41986, 42716
33.....41986
39.....40672, 40673, 40675–40678, 40680, 41103–41106, 41456, 41846, 41987, 41988, 42307, 42512, 42514, 43069–43081, 43430, 43432, 43586, 43591, 43824, 43825
43.....43934
65.....42916, 43934
71.....41109, 41110, 41458, 41713, 42694, 42806, 42916 43433, 43434, 43971
75.....42916
91.....42916
93.....42916
101.....42916
103.....42916
105.....42916
121.....42916
127.....42916
137.....42916
139.....42912
145.....43934
171.....42916
205.....42309
221.....41989
294.....42309
298.....42309

15 CFR

769.....41439
770.....40861
771.....40861
772.....42496
776.....40640
779.....40643, 41055
799.....40861, 41055, 43806
Proposed Rules:
19.....41848
771.....40681
772.....40681
773.....40681
774.....40681
786.....40681
799.....40681
806.....41275

16 CFR

305.....41242
Proposed Rules:
417.....43434
432.....43435

17 CFR

1.....41068
3.....41068
31.....41068
145.....41068
147.....41068
200.....40862
211.....41084
Proposed Rules:
240.....40395

18 CFR

37.....42945
154.....41085
294.....41086
1314.....42456

19 CFR

171.....41364, 43423
Proposed Rules:
12.....40882, 43826
24.....40882
132.....40887
133.....40882
142.....40887

20 CFR

200.....43054
222.....42949
262.....43054
335.....43057
404.....40779
416.....40779
Proposed Rules:
404.....40570

21 CFR

Ch. I.....41363
5.....43960
81.....43961
177.....40383, 43168
178.....42886
436.....41823, 42886
442.....40651, 40653, 41823, 43384, 44007
453.....40654, 41823, 43288, 43384, 44007
455.....40384, 41823, 42886
510.....40656, 41441, 41713, 43290
522.....40656, 41441
540.....41441
544.....41441
555.....41441
558.....40657, 41713
801.....43766
Proposed Rules:
Ch. I.....43183
10.....41629
310.....40618, 41629
314.....41629, 42515
320.....41629
341.....40412
347.....40808
348.....40808
436.....43592
444.....43303
452.....43592, 43593
1020.....42674
1306.....43436
1316.....40888

22 CFR

120.....42496
122.....42496
123.....42496
126.....42496
514.....40386
Proposed Rules:
50.....41459

23 CFR

658.....43290
Proposed Rules:
658.....41278

24 CFR

888.....43170, 43291
1710.....40863
Proposed Rules:
882.....43594
887.....43594

26 CFR

1.....41087, 41442, 41962, 43522
5h.....41243, 41364
602.....41087, 41243, 41442, 41962
Proposed Rules:
1.....41990, 42621
602.....41990
882.....43594
887.....43594

29 CFR

1601.....40657, 44007
1910.....41364, 42498
1926.....41088
2610.....42294
2622.....42294
2644.....41962
2676.....41963
Proposed Rules:
1910.....41460, 41461

30 CFR

914.....41824, 41828
Proposed Rules:
7.....40950, 40995
44.....43028
56.....43026
57.....43026
58.....43026
70.....40950, 43026
71.....43026
72.....43026
75.....40950, 43026
90.....43026
104.....43028
917.....40413
925.....40414
943.....41281

31 CFR

317.....40830
Proposed Rules:
515.....43304

32 CFR

536.....43892
537.....43914

Proposed Rules:
169a.....42807

33 CFR

100.....41088, 42499, 43217
117.....41964, 41965, 43808
165.....40868, 40869, 43809, 43810
241.....40578

Proposed Rules:
117.....41991, 42517
154.....41366
155.....41366, 42624
156.....41366
165.....43890
334.....40572

34 CFR

30.....43583
200.....43220
201.....43220
203.....43220
208.....43583
219.....43584
600.....40388
668.....43811
682.....43811

Proposed Rules:
302.....42704

35 CFR

103.....43962
133.....43962

36 CFR

7.....43060
292.....41089

Proposed Rules:
254.....41849, 43597

37 CFR

202.....42295

38 CFR

1.....40388, 40870
3.....42802
21.....40871, 42500

Proposed Rules:
3.....40684, 40686, 41110, 43436, 44008
21.....40687, 40688, 41110, 42961

39 CFR

3.....42300
4.....42300
5.....42300
6.....42300
8.....42300
601.....43061

40 CFR

35.....40798
52.....40657, 40659, 40660, 41094, 41443, 41830, 43173–43176, 43812–43816
60.....40662
61.....40662
81.....41094, 41831, 42956
123.....40664
180.....41098, 43424
185.....43424
186.....43424
261.....41402, 43818
271.....41402
300.....41000, 41015
302.....41402
355.....43164
370.....41904
403.....40664
795.....41832, 43252
799.....41832, 43252

Proposed Rules:
51.....41218
52.....40689, 40889, 41218, 41629, 41849, 42309, 43083, 43183, 43521, 43827
61.....40779, 41113
81.....41218, 43829
228.....40415
260.....41930, 43718
261.....41114, 43718, 43829
264.....43718
265.....43718
266.....43718
270.....43718
271.....43718
300.....40889, 43778
370.....41907
372.....42962
721.....42439

41 CFR

Ch. 101.....41244
101–6.....41214
101–40.....42803
101–41.....43425, 43890
101–44.....43521
101–45.....43521
101–47.....41099, 41244
201–1.....42302
201–2.....42302
201–6.....42302
201–38.....42302
302–6.....43521
302–12.....43521

Proposed Rules:
201–2.....41850
201–6.....41850
201–7.....41850
201–8.....41850
201–11.....41850
201–16.....41850
201–17.....41850
201–18.....41850
201–19.....41850
201–20.....41850
201–21.....41850
201–22.....41850
201–23.....41850
201–24.....41850
201–26.....41850
201–30.....41850
201–31.....41850
201–33.....41850
201–34.....41850
201–38.....41850
201–39.....41850
201–41.....41850
201–44.....41850

42 CFR

405.....41716
411.....41716
412.....41716
433.....41966
489.....41716

43 CFR

Public Land Order:
6750.....43178

Proposed Rules:
11.....41363, 43185
2090.....43185
2200.....43185, 43597

44 CFR

60.....42144
64.....40872, 43425
65.....43178
67.....42501, 43291

Proposed Rules:
67.....40890, 41631, 42518, 43305

45 CFR

60.....42722, 43890
205.....42146
224.....42146
233.....42146
234.....42146
238.....42146
239.....42146
240.....42146
250.....42146
255.....42146
256.....42146

46 CFR

50.....40590
56.....40590
61.....40590
67.....41835
153.....43584

Proposed Rules:
12.....42624
13.....42624
15.....42624
30.....41124, 42624
31.....41124, 42624
32.....41366
33.....41124
35.....41124, 41366, 42624
39.....41366
67.....41992, 44008
70.....41124
71.....41124
75.....41124
78.....41124, 42624
90.....41124, 42624
91.....41124
94.....41124
97.....41124, 42624
98.....42624
105.....42624
107.....41124
108.....41124
109.....41124
112.....41124
151.....42624
153.....42624
154.....41124, 42624
160.....41124
161.....41124
167.....41124
168.....41124
188.....41124
189.....41124
192.....41124
196.....41124
199.....41124
580.....40891, 43834
581.....40891, 43834

47 CFR

1.....40392, 43062
2.....41974, 43293
73.....40393, 40873–40875, 41100, 41445, 41446, 42507, 42804, 43062, 43063
74.....41842
76.....41842
80.....42804
90.....43293
300.....41447

Proposed Rules:
2.....41464
15.....41125, 41464
73.....40419, 40420, 40893–40896, 41125–41128, 41465–41470, 41852, 41853, 42523, 42524, 42807–42809, 43086–43088

48 CFR

302.....43965
304.....43965
309.....43965
315.....43965
332.....43965
342.....43965
352.....43965
532.....43180
552.....43180
815.....42507
1532.....40876
1552.....40876
2801.....40877
2813.....40877
2819.....40877

Proposed Rules:
20.....40420
31.....43032
37.....41941
52.....41941
1602.....43089
1615.....43089
1616.....43089
1622.....43089
1632.....43089
1652.....43089

49 CFR

171.....41447
172.....41447
191.....40878
195.....40878
209.....42894
219.....40879
383.....40782
391.....40782
531.....40665, 42303
565.....41843
571.....41844
1135.....42509
1145.....42509
1171.....42958
1312.....42959
1314.....42959

Proposed Rules:
23.....43835
177.....41902
195.....41912
217.....40856
219.....40856
225.....40856
531.....40689
541.....42809
571.....40896, 41632, 41636, 41854, 43598
1022.....41643
1043.....41643
1044.....41643
1047.....41643
1051.....41643

1058.....41643
1061.....41643
1063.....41643
1067.....41643
1070.....41643
1080.....41643
1081.....41643
1083.....41643
1084.....41643
1085.....41643
1091.....41643
1104.....41643
1105.....42964
1136.....41643
1143.....41643
1152.....42964
1161.....41643
1167.....41643
1169.....41643
1170.....41643
1331.....41643

50 CFR

17.....41448, 43966
285.....43181
380.....40668
611.....43821
642.....43970
651.....41975
661.....41591, 41592
662.....41975, 41976
663.....41594
672.....40394, 41101, 41976
675.....40716, 41101, 41977, 43823

Proposed Rules:

16.....43097
17.....40444–40458, 41470–41475, 42270, 42813–42820, 43835
23.....41282, 41475, 42524, 42529
24.....41295
216.....41654
222.....40699
228.....40703
264.....40779
265.....41296
611.....40716, 41855, 42312
641.....41297, 42439
650.....40463, 41902, 42439
651.....40466, 42439
663.....41855, 42312
672.....40716

LIST OF PUBLIC LAWS

Last List October 27, 1989

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 392/Pub. L. 101-128

Designating October 1989 as "Italian-American Heritage and Culture Month". (Oct. 25, 1989; 103 Stat. 773; 1 page) Price: $1.00

H.J. Res. 401/Pub. L. 101-129

To designate the month of October 1989 as "Country Music Month". (Oct. 25, 1989; 103 Stat. 774; 1 page) Price: $1.00

H.J. Res. 423/Pub. L. 101-130

Making further continuing appropriations for the fiscal year 1990, and for other purposes. (Oct. 26, 1989; 103 Stat. 775; 2 pages) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Apr. 1, 1989
3 (1988 Compilation and Parts 100 and 101)	21.00	[1] Jan. 1, 1989
4	15.00	Jan. 1, 1989
5 Parts:		
1–699	15.00	Jan. 1, 1989
700–1199	17.00	Jan. 1, 1989
1200–End, 6 (6 Reserved)	13.00	Jan. 1, 1989
7 Parts:		
0–26	15.00	Jan. 1, 1989
27–45	12.00	Jan. 1, 1989
46–51	17.00	Jan. 1, 1989
52	23.00	[2] Jan. 1, 1988
53–209	18.00	Jan. 1, 1989
210–299	24.00	Jan. 1, 1989
300–399	12.00	Jan. 1, 1989
400–699	19.00	Jan. 1, 1989
700–899	22.00	Jan. 1, 1989
900–999	28.00	Jan. 1, 1989
1000–1059	16.00	Jan. 1, 1989
1060–1119	13.00	Jan. 1, 1989
1120–1199	11.00	Jan. 1, 1989
1200–1499	20.00	Jan. 1, 1989
1500–1899	10.00	Jan. 1, 1989
1900–1939	11.00	Jan. 1, 1989
1940–1949	21.00	Jan. 1, 1989
*1950–1999	22.00	Jan. 1, 1989
2000–End	9.00	Jan. 1, 1989
8	13.00	Jan. 1, 1989
9 Parts:		
1–199	20.00	Jan. 1, 1989
200–End	18.00	Jan. 1, 1989
10 Parts:		
0–50	19.00	Jan. 1, 1989
51–199	17.00	Jan. 1, 1989
200–399	13.00	[3] Jan. 1, 1987
400–499	14.00	Jan. 1, 1989
500–End	28.00	Jan. 1, 1989
11	10.00	[2] Jan. 1, 1988
12 Parts:		
1–199	12.00	Jan. 1, 1989
200–219	11.00	Jan. 1, 1989
220–299	19.00	Jan. 1, 1989
300–499	15.00	Jan. 1, 1989
500–599	20.00	Jan. 1, 1989
600–End	14.00	Jan. 1, 1989
13	22.00	Jan. 1, 1989
14 Parts:		
1–59	24.00	Jan. 1, 1989
60–139	21.00	Jan. 1, 1989
140–199	10.00	Jan. 1, 1989
200–1199	21.00	Jan. 1, 1989
1200–End	12.00	Jan. 1, 1989
15 Parts:		
0–299	12.00	Jan. 1, 1989
300–799	22.00	Jan. 1, 1989
800–End	14.00	Jan. 1, 1989
16 Parts:		
0–149	12.00	Jan. 1, 1989
150–999	14.00	Jan. 1, 1989
1000–End	19.00	Jan. 1, 1989
17 Parts:		
1–199	15.00	Apr. 1, 1989
200–239	16.00	Apr. 1, 1989
240–End	22.00	Apr. 1, 1989
18 Parts:		
1–149	16.00	Apr. 1, 1989
*150–279	16.00	Apr. 1, 1989
280–399	14.00	Apr. 1, 1989
400–End	9.50	Apr. 1, 1989
19 Parts:		
1–199	27.00	Apr. 1, 1988
*200–End	9.50	Apr. 1, 1989
20 Parts:		
1–399	13.00	Apr. 1, 1989
400–499	24.00	Apr. 1, 1989
*500–End	28.00	Apr. 1, 1989
21 Parts:		
1–99	13.00	Apr. 1, 1989
100–169	15.00	Apr. 1, 1989
170–199	17.00	Apr. 1, 1989
200–299	6.00	Apr. 1, 1989
300–499	28.00	Apr. 1, 1989
*500–599	21.00	Apr. 1, 1989
600–799	8.00	Apr. 1, 1989
800–1299	17.00	Apr. 1, 1989
1300–End	6.50	Apr. 1, 1989
22 Parts:		
1–299	22.00	Apr. 1, 1989
300–End	17.00	Apr. 1, 1989
23	17.00	Apr. 1, 1989
24 Parts:		
0–199	19.00	Apr. 1, 1989
200–499	28.00	Apr. 1, 1989
500–699	11.00	Apr. 1, 1989
700–1699	23.00	Apr. 1, 1989
1700–End	13.00	Apr. 1, 1989
25	25.00	Apr. 1, 1989
26 Parts:		
§§ 1.0-1–1.60	15.00	Apr. 1, 1989
§§ 1.61–1.169	25.00	Apr. 1, 1989
§§ 1.170–1.300	18.00	Apr. 1, 1989
§§ 1.301–1.400	15.00	Apr. 1, 1989
§§ 1.401–1.500	28.00	Apr. 1, 1989
§§ 1.501–1.640	16.00	Apr. 1, 1989
§§ 1.641–1.850	19.00	Apr. 1, 1989
§§ 1.851–1.1000	28.00	Apr. 1, 1988
§§ 1.1001–1.1400	17.00	Apr. 1,1989
§§ 1.1401–End	23.00	Apr. 1, 1989
2–29	20.00	Apr. 1, 1989
30–39	14.00	Apr. 1, 1989
40–49	13.00	Apr. 1, 1989
50–299	16.00	Apr. 1, 1989
300–499	16.00	Apr. 1, 1989
500–599	7.00	Apr. 1, 1989
600–End	6.50	Apr. 1, 1989
27 Parts:		
1–199	24.00	Apr. 1, 1989
200–End	14.00	Apr. 1, 1989
28	25.00	July 1, 1988

Title	Price	Revision Date
29 Parts:		
0–99	17.00	July 1, 1988
*100–499	7.50	July 1, 1989
500–899	24.00	July 1, 1988
*900–1899	12.00	July 1, 1989
1900–1910	29.00	July 1, 1988
*1911–1925	9.00	July 1, 1989
1926	10.00	July 1, 1988
1927–End	24.00	July 1, 1988
30 Parts:		
0–199	20.00	July 1, 1988
*200–699	14.00	July 1, 1989
700–End	18.00	July 1, 1988
31 Parts:		
0–199	13.00	July 1, 1988
200–End	17.00	July 1, 1988
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	21.00	July 1, 1988
190–399	27.00	July 1, 1988
400–629	21.00	July 1, 1988
*630–699	13.00	July 1, 1989
700–799	15.00	July 1, 1988
800–End	16.00	July 1, 1988
33 Parts:		
1–199	27.00	July 1, 1988
200–End	19.00	July 1, 1988
34 Parts:		
1–299	22.00	July 1, 1988
300–399	12.00	July 1, 1988
400–End	26.00	July 1, 1988
35	9.50	July 1, 1988
36 Parts:		
1–199	12.00	July 1, 1988
200–End	20.00	July 1, 1988
37	13.00	July 1, 1988
38 Parts:		
0–17	21.00	July 1, 1988
18–End	19.00	July 1, 1988
39	13.00	July 1, 1988
40 Parts:		
1–51	23.00	July 1, 1988
52	27.00	July 1, 1988
53–60	28.00	July 1, 1988
61–80	12.00	July 1, 1988
81–99	25.00	July 1, 1988
100–149	25.00	July 1,1988
150–189	24.00	July 1, 1988
190–299	24.00	July 1, 1988
300–399	8.50	July 1,1988
400–424	21.00	July 1, 1988
425–699	21.00	July 1, 1988
700–End	31.00	July 1, 1988
41 Chapters:		
1, 1–1 to 1–10	13.00	[5] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[5] July 1, 1984
3–6	14.00	[5] July 1, 1984
7	6.00	[5] July 1, 1984
8	4.50	[5] July 1, 1984
9	13.00	[5] July 1, 1984
10–17	9.50	[5] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[5] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[5] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[5] July 1, 1984
19–100	13.00	[5] July 1, 1984
1–100	10.00	July 1, 1988
101	25.00	July 1, 1988
*102–200	11.00	July 1, 1989
201–End	8.50	July 1, 1988

Title	Price	Revision Date
42 Parts:		
1–60	15.00	Oct. 1, 1988
61–399	5.50	Oct. 1, 1988
400–429	22.00	Oct. 1, 1988
430–End	22.00	Oct. 1, 1988
43 Parts:		
1–999	15.00	Oct. 1, 1988
1000–3999	26.00	Oct. 1, 1988
4000–End	11.00	Oct. 1, 1988
44	20.00	Oct. 1, 1988
45 Parts:		
1–199	17.00	Oct. 1, 1988
200–499	9.00	Oct. 1, 1988
500–1199	24.00	Oct. 1, 1988
1200–End	17.00	Oct. 1, 1988
46 Parts:		
1–40	14.00	Oct. 1, 1988
41–69	14.00	Oct. 1, 1988
70–89	7.50	Oct. 1, 1988
90–139	12.00	Oct. 1, 1988
140–155	12.00	Oct. 1, 1988
156–165	13.00	Oct. 1, 1988
166–199	14.00	Oct. 1, 1988
200–499	20.00	Oct. 1, 1988
500–End	10.00	Oct. 1, 1988
47 Parts:		
0–19	18.00	Oct. 1, 1988
20–39	18.00	Oct. 1, 1988
40–69	9.00	Oct. 1, 1988
70–79	18.00	Oct. 1, 1988
80–End	19.00	Oct. 1, 1988
48 Chapters:		
1 (Parts 1–51)	28.00	Oct. 1, 1988
1 (Parts 52–99)	18.00	Oct. 1, 1988
2 (Parts 201–251)	18.00	Oct. 1, 1988
2 (Parts 252–299)	18.00	Oct. 1, 1988
3–6	20.00	Oct. 1, 1988
7–14	25.00	Oct. 1, 1988
15–End	26.00	Oct. 1, 1988
49 Parts:		
1–99	13.00	Oct. 1, 1988
100–177	24.00	Oct. 1, 1988
178–199	20.00	Oct. 1, 1988
200–399	19.00	Oct. 1, 1988
400–999	24.00	Oct. 1, 1988
1000–1199	18.00	Oct. 1, 1988
1200–End	18.00	Oct. 1, 1988
50 Parts:		
1–199	17.00	Oct. 1, 1988
200–599	13.00	Oct. 1, 1988
600–End	13.00	Oct. 1, 1988
CFR Index and Findings Aids	29.00	Jan. 1, 1989
Complete 1989 CFR set	620.00	1989
Microfiche CFR Edition:		
Complete set (one-time mailing)	125.00	1984
Complete set (one-time mailing)	115.00	1985
Subscription (mailed as issued)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Subscription (mailed as issued)	188.00	1989
Individual copies	2.00	1989

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1988 to Dec. 31, 1988. The CFR volume issued January 1, 1988, should be retained.

[3] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1988. The CFR volume issued January 1, 1987, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

10-30-89
Vol. 54 No. 208

federal register

Monday
October 30, 1989

Book 2 of 3 Books

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

10-30-89
Vol. 54 No. 208

BOOK 2:
Pages 44401-45054

federal register

Book 2 of 3 Books
Monday, October 30, 1989

Unified Agenda of Federal Regulations

44402 Part II—Regulatory Information Service Center
44408 Part III—Department of Agriculture
44480 Part IV—Department of Commerce
44538 Part V—Department of Defense
44566 Part VI—Department of Education
44584 Part VII—Department of Energy
44604 Part VIII—Department of Health and Human Services
44702 Part IX—Department of Housing and Urban Development
44738 Part X—Department of the Interior
44806 Part XI—Department of Justice
44828 Part XII—Department of Labor
44873 Part XIII—Department of State
44884 Part XIV—Department of Transportation

legal

Federal Register

Monday
October 30, 1989

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry and publication in a uniform format. In addition, the Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the October 1989 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street NW., Washington, DC 20503; (202) 395-6993.

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS

Page

INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda **44402**
How to Use the Unified Agenda **44403**
Data Limitations **44404**
List of Abbreviations **44404**

TABLE OF CONTENTS—Continued

Page

Information About Additional Copies **44405**

AGENCY DESCRIPTIONS OF REGULATORY ACTIVITIES

Cabinet Departments

Department of Agriculture 44408
Department of Commerce 44480
Department of Defense 44538
Department of Education 44566
Department of Energy 44584
Department of Health and Human Services 44604
Department of Housing and Urban Development 44702
Department of the Interior 44738
Department of Justice 44806
Department of Labor 44828
Department of State 44878
Department of Transportation 44884
Department of the Treasury 45056
Department of Veterans Affairs 45226

Other Executive Agencies

ACTION 45256
Advisory Council on Historic Preservation 45260
Agency for International Development 45262
Architectural and Transportation Barriers Compliance Board 45266
Commission on Civil Rights 45270
Environmental Protection Agency 45272
Equal Employment Opportunity Commission 45350
Federal Emergency Management Agency 45356
Federal Mediation and Conciliation Service 45366
General Services Administration 45368
Merit Systems Protection Board 45388
National Aeronautics and Space Administration 45392
National Archives and Records Administration 45404
National Capital Planning Commission 45410
National Endowment for the Arts 45412
National Endowment for the Humanities 45416
National Science Foundation 45420
Office of Management and Budget 45422
Office of Personnel Management 45428
Panama Canal Commission 45446
Peace Corps 45450
Pennsylvania Avenue Development Corporation 45452
Pension Benefit Guaranty Corporation 45454
Railroad Retirement Board 45462
Selective Service System 45470
Small Business Administration 45472
Tennessee Valley Authority 45482

TABLE OF CONTENTS—Continued

Page

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation) 45486

Independent Agencies

Commodity Futures Trading Commission 45514
Consumer Product Safety Commission 45520
Farm Credit Administration 45530
Federal Communications Commission 45536
Federal Deposit Insurance Corporation 45554
Federal Energy Regulatory Commission 45562
Federal Home Loan Bank Board 45568
Federal Maritime Commission 45578
Federal Reserve System 45586
Federal Trade Commission 45598
Interstate Commerce Commission 45606
National Credit Union Administration 45612
Nuclear Regulatory Commission 45620
Securities and Exchange Commission 45646

INDEX TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

Subject Index 45669

INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda

The Regulatory Information Service Center (the Center) compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing Executive Orders 12291 "Federal Regulation" (46 FR 13193; 3 CFR 1981 Comp., p. 127) and 12498 "Regulatory Planning Process" (50 FR 1036; 3 CFR 1985 Comp., p. 323). Under E.O. 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency

head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Unified Agenda differ in several ways. The Unified Agenda includes more regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings they have under development. The 1989 Regulatory Program covers only 25 of the major Federal regulatory agencies and includes only the most significant of all the regulatory actions that each agency plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

The regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications: however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 56 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included.

Beginning with this edition, the Agenda helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their agendas, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. Many of the procurement-related actions are included in the Unified Agenda for the first time. This procurement information will be used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

The Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, the Center provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, legal deadline, abstract, timetable, small entities affected, government levels affected, agency contact, and Regulation Identifier Number. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

Dated: October 1, 1989.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register.** The parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency lists its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under E.O. 12291, such as those concerning military or foreign affairs functions and regulations related to internal agency management.

Entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the regulation.
- Significance -- an indication of the significance of the entry that appears when:

a. The action is included in the **Regulatory Program of the United States Government** for the 1989 program year, or
b. the agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to U.S.C. or P.L. references).
- CFR Citation -- the section(s) of the Code of Federal Regulations that affects or will be affected by the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.
- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 04/00/89 means the agency can predict the month and year the action will take place but not the day it will occur.
- Small Entities Affected -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, and/or organizations.
- Government Levels Affected -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, and/or Federal.
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.
- Procurement-Related Actions -- in the Additional Information section, a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether or not there is a paperwork burden associated with the action.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed.

The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of August 25, 1989, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles. Where applicable, individual actions will be subject to review for compliance with Executive Order 12291, the Regulatory Flexibility Act, the OFPP Act, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register**.

EO -- An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, P.L. 97-17 would be the 17th public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM, and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by E.O. 12291 for all major

rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of E.O. 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- not be undertaken unless the potential benefits outweigh the potential costs to society;
- maximize net benefits to society;
- entail the least net cost to society of the alternatives considered; and
- take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 89-22833 Filed 10-27-89; 8:45 am]
BILLING CODE 3194-01-T

federal register

Monday
October 30, 1989

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Fall 1989.

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and nonmajor regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291 "Federal Regulation." The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication, except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1272.

Dated: September 13, 1989.

Jacquelyn C. Patterson,

Chief, Regulatory & Legislative Staff.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	Voluntary Inspection and Grading of Egg Products	0581-AA33
2	Grading of Shell Eggs	0581-AA34
3	Mandatory Inspection of Eggs and Egg Products	0581-AA35
4	Voluntary Grading of Poultry Products and Rabbit Products	0581-AA36

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
5	Fees for Service for Voluntary and Mandatory Programs	0581-AA19
6	Proposed New Milk Marketing Order for North Carolina and South Carolina	0581-AA28
7	Proposed New Marketing Agreement and Order for Seedless European Cucumbers	0581-AA30

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
8	Proposed Marketing Order for Vidalia Onions Grown in Georgia	0581-AA29

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
9	Proposed New Marketing Agreement and Order TX-NM (High Plains) Potatoes	0581-AA31
10	Proposed New National Watermelon Research and Promotion Plan	0581-AA32

USDA

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
11	1990 Extra Long Staple (ELS) Cotton Program	0560-AB43
12	1990 Rice Program	0560-AB45
13	1990 Wool and Mohair program	0560-AB49
14	1990-Crop Honey Price Support Program	0560-AB60
15	1990 Price Support Levels for Five Kinds of Tobacco	0560-AB64

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
16	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
17	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
18	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 1)	0560-AB47
19	1989 Soybean Program	0560-AB48
20	1990-Crop Peanuts National Poundage Quota	0560-AB54
21	1990 Upland Cotton Program	0560-AB55
22	1990 Feed Grain Program	0560-AB56
23	1990 Milk Price Support Program	0560-AB59
24	1990-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB61
25	1990-Crop Flue-Cured Tobacco Marketing Quota and Price Support Level	0560-AB62
26	1990-Crop National Average Loan Rates for Quota and Additional Peanuts and Minimum CCC Export Edible Sales Price for Additional Peanuts	0560-AB63
27	1990-Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB65
28	1991-Crop Peanuts National Poundage Quota	0560-AB66
29	1990 Soybean Program	0560-AB67
30	1990-Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB68
31	1990 CCC Cotton Loan Program Regulations--Bale Packaging Materials	0560-AB69
32	1990 Marketing Year Penalty Rates for all Kinds of Tobacco Subject to Quotas (Except Puerto-Rican Cigar Filler)	0560-AB70
33	1989 Marketing Year Penalty Rate for Puerto-Rican Cigar-Filler Tobacco	0560-AB71
34	Crop Years 1989 and 1990 Shrink Adjustment for Additional Peanuts	0560-AB72

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
35	1989-Crop Peanuts National Poundage Quota	0560-AB13
36	1989 Wool and Mohair Program	0560-AB20
37	CCC Cotton Loan Program Regulations--Settlement, Fraud, and Conversion Provisions	0560-AB22
38	Dairy Indemnity Payment Program--January 1, 1988 - September 30, 1990	0560-AB30
39	1989-Crop Peanut Price Support Program Differentials	0560-AB31
40	1989 Price Support Levels for Six Kinds of Tobacco	0560-AB32
41	1989-Crop National Average Loan Rate and Minimum CCC Export Edible Sales Price for Additional Peanuts	0560-AB33
42	1989-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB34
43	1989-Crop Flue-cured Tobacco Marketing Quota and Price Support Level	0560-AB35
44	1989-Crop National Average Price Support Level for Quota Peanuts	0560-AB36
45	1989-Crop Honey Price Support Program	0560-AB37
46	Common Program Provisions for the 1990 Wheat, Feed Grain, Cotton and Rice Programs	0560-AB38
47	1989 Rice Program	0560-AB39
48	1990 Wheat Program	0560-AB41
49	1989 CCC Cotton Loan Program Regulations -- Bale Packaging Materials	0560-AB44
50	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 3)	0560-AB46
51	1989-Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB51
52	1989-90 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas	0560-AB52
53	1989 - Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB53
54	1989 Milk Price Support Program, July 1, Mandatory Price Support Decrease	0560-AB58

USDA

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
55	Animals Destroyed Because of Scrapie	0579-AA24

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
56	Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products	0579-AA21
57	Revision of 9 CFR 82, Exotic Newcastle Disease in All Birds and Poultry; Pscittacosis and Ornithosis in Poultry	0579-AA22
58	Revision of 7 CFR 319.56, Importation of Fruits and Vegetables	0579-AA23
59	Imported Fire Ant	0579-AA25
60	Procedures for Importing Animals Through the Harry S Truman Animal Import Center; Approval of Embarkation Quarantine Facilities	0579-AA26
61	Swine Identification	0579-AA27

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
62	Animal Welfare Regulations; Standards	0579-AA20

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
63	Animal Welfare; Definition of Terms and Regulations	0579-AA18

Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
64	Agricultural Research Involving Outdoor Field Testing of Biotechnology - Modified Organisms	0524-AA00

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
65	Recapture of Section 502 Rural Housing Subsidy	0575-AA29
66	Changes to Farmers Home Administration (FmHA) Guaranteed Loan Making and Servicing Regulations as a Result of a Study of the Program Requested by OMB	0575-AA66
67	Community Programs Guaranteed Loans	0575-AA72

USDA

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
68	Property Management	0575-AA03
69	Housing Preservation Grants	0575-AA18
70	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
71	Security Servicing for Multiple Housing Loans	0575-AA38
72	Management and Collection of Nonprogram (NP) Loans	0575-AA39
73	Complaints and Compensation for Construction Defects	0575-AA41
74	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA42
75	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA49
76	Security Servicing for Multiple Housing Loans	0575-AA51
77	Real Property Insurance	0575-AA53
78	Security Servicing for Single Family Rural Housing Loans	0575-AA54
79	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA55
80	Secondary Market for Farmer Program Loans	0575-AA59
81	Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations	0575-AA60
82	Processing and Servicing FmHA Assistance to Employees, Relatives and Associates	0575-AA64
83	Rural Rental Housing Loan Policies, Procedures and Authorizations - Processing Preapplications	0575-AA67
84	Servicing Cases Where Unauthorized Loan or Other Financial Assistance was Received - Multiple Family Housing	0575-AA69
85	Appraisal of Rural Rental Housing Properties	0575-AA71

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
86	Management and Supervision of Multiple Family Housing Borrowers	0575-AA20
87	Self-Help Technical Assistance Grants	0575-AA34
88	Rural Housing Program Loans	0575-AA48
89	Changes to the Farmers Home Administration (FmHA) Farmer Program Loan Making, Supervision and Servicing Regulations to Implement Applicable Provisions of "The Agricultural Credit Act of 1987"	0575-AA56
90	Rural Rental Housing Loan Policies, Procedures and Authorizations -- Congregate Housing and Group Homes	0575-AA58
91	Farm Labor Loan and Grant Policies, Procedures, and Authorization	0575-AA62
92	Rural Rental Housing Loan Policies, Procedures, and Authorizations -- Cooperative Housing Loans	0575-AA63
93	Drought and Disaster Guaranteed Loans	0575-AA65
94	Adverse Decisions and Administrative Appeals	0575-AA68
95	Adverse Decisions and Administrative Appeals FmHA Instruction 1900-B	0575-AA70

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
96	Section 504 Rural Housing Loans and Grants	0575-AA37
97	Predetermined Amortization Schedule System (PASS) Account Servicing	0575-AA52
98	Rural Rental Housing Loan Policies, Procedures and Authorities -- Letters of Credit	0575-AA57
99	Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received -- Single Family Housing	0575-AA61

Federal Grain Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
100	Regulations Under the United States Grain Standards Act; Reg. Review	0580-AA08
101	United States Standards for Sorghum	0580-AA10
102	United States Standards for Rice	0580-AA11
103	Canola/Rapeseed Standards	0580-AA12

USDA

Federal Grain Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
104	Shiplot Inspection Plan - Cu-Sum	0580-AA09

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
105	Emergency Food Assistance for Victims of Disasters	0584-AA24
106	Rules of Procedure	0584-AA75
107	Miscellaneous QC Provisions of Hunger Prevention Act of 1988	0584-AA76
108	Special Supplemental Food Program for Women, Infants and Children (WIC): Food Delivery Systems	0584-AA80

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
109	Food Distribution Program - Part 250	0584-AA07
110	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
111	Administration/ Management: Food Stamp Program	0584-AA63
112	Employment and Training Requirements Technical Corrections Proposed Rule	0584-AA72
113	Systematic Alien Verification for Entitlements	0584-AA73
114	Child Care Food Program - Adult Day Care Provision	0584-AA74
115	Employment and Training Requirements - Nondiscretionary Provisions from the Hunger Prevention Act of 1988	0584-AA79
116	Automated Data Processing Equipment and Services: Conditions for Federal Financial Participation	0584-AA81

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
117	Food Distribution Program on Indian Reservations	0584-AA09

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
118	Eligibility of Foreign Countries for Importation of Products into the United States	0583-AA55
119	Production of Certain Minimally Processed, Uncured, Perishable Products Packed in Sealed Containers	0583-AB14

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
120	Requirements for Partially Defatted Meat Products	0583-AA27
121	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
122	Voluntary Residue Control Program	0583-AA29
123	Sulfonamide Residues in Swine	0583-AA31

USDA

Food Safety and Inspection Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
124	Use of Lactic Acid and Acetic Acid as Anti-Microbial Agents on Meat and Poultry Carcasses	0583-AA43
125	Use and Protection of Approved Water Systems	0583-AA54
126	Certain Products with Meat Ingredients -- Exemptions From Definition of a "Meat Food Product"	0583-AA62
127	Additional Trichina Detection Methods	0583-AA67
128	Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers in Meat and Poultry Products	0583-AA75
129	Increase in Use Levels of Sodium Citrate as an Anticoagulant	0583-AA76
130	Requirements for the Production of Fermented Sausage	0583-AA77
131	Use of Various Binders in Cured Pork Products	0583-AA78
132	Use of Sorbitol as a Flavoring Agent in Specific Meat Products	0583-AA79
133	Sodium/Potassium Lactate as Antimicrobial Agents in Specific Meat and Poultry Products	0583-AA83
134	Lactic Acid Starters	0583-AA86
135	Automatic Expiration System for Approved Labels	0583-AA87
136	Cross-Contamination Prevention for All Heat Processed Meat and Poultry Products	0583-AA88
137	Use of Tocopherols, Ascorbyl Palmitate and Citric Acid as Antioxidants in Additional Products	0583-AA89
138	Labeling of Frankfurters and Similar Products Containing Binders	0583-AA92
139	Substances Approved for Use in Meat Products -- Revision of Listings	0583-AA93
140	Imported Product; Movement Prior to Reinspection	0583-AA94
141	Revision of Requirements for Finished Product Inspection	0583-AA95
142	Review of Retail Store Inspection Exemptions	0583-AA96
143	Processing Requirements for Dried Ready-to-Eat Meat and Poultry Products	0583-AA97
144	Ante-Mortem Inspection of Disabled Animals on Transport Vehicles	0583-AA98
145	Jar Closure Requirements	0583-AB00
146	Exemption From "Equal To" Requirements	0583-AB01
147	Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products	0583-AB02
148	Streamlined Inspection Systems with Carcass and Giblet Finished Product Standards (Poultry)	0583-AB03
149	Export Certification Procedures	0583-AB04
150	Additional Substances for Use in the Preparation of Meat and/or Poultry Products	0583-AB07
151	Pest Control in Official Establishments	0583-AB08
152	Use of Tricalcium Phosphate as a Sequestrant in Mechanically Deboned Chicken	0583-AB09
153	Procedures for Notice of Detention	0583-AB10
154	Undenuded Beef Stomachs; Finished Product Standards, and Manufacturing and Inspection Procedures	0583-AB11
155	Labeling Requirements for Packaged Products Which Require Special Handling to Maintain Their Wholesome Condition	0583-AB12
156	Use of Compressed Air in Boning Operations	0583-AB13
157	Use of Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Citrate, and Sodium Ascorbate in Fresh Beef and Lamb	0583-AB15
158	Imported Product; Withdrawal of Panama From the List of Countries Eligible for Importation of Meat Products	0583-AB16

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
159	Determination of Added Water in Cooked Sausages	0583-AA30
160	Cattle Post-Mortem Inspection Procedures and Staffing Procedures	0583-AA32
161	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid, and Calcium Lactate	0583-AA34
162	Ingredients that may be Identified as Flavors or Natural Flavors when used in Meat and Poultry Products	0583-AA44
163	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
164	Trichina Control Requirements for Dry-Cured Ham	0583-AA49
165	Requirements For Imported Poultry Products	0583-AA52
166	Sulfonamide and Antibiotic Residues in Young Veal Calves; Certification Requirements	0583-AA58
167	Use of Certain Binders in Meat and Poultry Products and Transfer of Binders in Text to the Tables of Approved Substances	0583-AA64
168	Immersion Cured and Dry Cured Bacon	0583-AA65
169	Sulfonamide and Antibiotic Residues in Young Veal Calves; Reduced Testing	0583-AA68
170	Net Weight	0583-AA69
171	Labeling of Meat Food Products That Contain Mechanically Separated (Species) Under Certain Circumstances	0583-AA71
172	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid and Calcium Lactate in Ground and Formed Poultry Products	0583-AA73
173	Processing Procedures and Cooking Instructions for Cooked, Uncured Meat Patties	0583-AA81
174	Partially Cooked, Cured and Smoked Poultry Breakfast Strips	0583-AA82
175	PFF for Turkey Ham	0583-AA84

USDA

Food Safety and Inspection Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
176	Importation of Livestock Carcasses with Tissues Removed	0583-AA85
177	Importation of Meat and Poultry Products; Refused Entry Product	0583-AA90
178	Definition of Terms -- "Importation" and "Entry"	0583-AA91
179	Imported Canadian Product; Provision for "Streamlined" Inspection Procedures; Exemption From Official Mark of Inspection	0583-AA99

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
180	Use of Air During Slaughter Operations	0583-AA48
181	Implementation of Improved Processing System	0583-AA72

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
182	Determination of the Market Stabilization Price for Sugar for FY 1989	0551-AA20
183	Determination of Import Quotas on Sugar for Fiscal Year 1989	0551-AA21
184	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
185	Part 219 Planning	0596-AA50
186	36 CFR 271 - Use of "Smokey Bear" Symbol	0596-AA66
187	Whiskeytown-Shasta-Trinity National Recreation Area	0596-AA68
188	36 CFR 241 Wildlife: Cooperation in Wildlife Protection, Wildlife Management and Federal Refuge Regulations	0596-AA81
189	Isolated Cabin Policy	0596-AA85
190	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart A - General Provisions	0596-AA89
191	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart B - Timber Sale Contracts	0596-AA90
192	Special Areas	0596-AA91
193	Recreation Residence Authorization Policy	0596-AB06

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
194	Suspension and Debarment of Timber Purchasers, 36 CFR 223, Subpart C	0596-AA09
195	Financial Security of National Forest System Timber Sale Contracts	0596-AA33
196	Grazing and Livestock Use and Management of Wild, Free-Roaming Horses and Burros	0596-AA35
197	Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
198	Prohibition on mechanical transport and other activities in wilderness	0596-AA39
199	Land Exchanges	0596-AA42
200	Small Business Timber Sale Set Aside Program	0596-AA43
201	Revision of Timber Sale Contract Forms FS-2400-6 and FS-2400-6T	0596-AA45
202	Leasable Minerals Other than Oil and Gas	0596-AA46

USDA

Forest Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
203	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
204	Locatable Minerals	0596-AA49
205	Law Enforcement Support Activities	0596-AA65
206	36 CFR 261 Prohibitions	0596-AA75
207	Revise Small Tracts Act Regulations	0596-AA79
208	Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251 to Remove Ambiguities Regarding First Amendment Rights	0596-AA80
209	Hell's Canyon National Recreation Area - Private Lands	0596-AA88
210	Solid Waste Disposal Policy	0596-AA92
211	Irrevocable Letter of Credit	0596-AA93
212	Reserved and Outstanding Mineral Rights	0596-AA99
213	Douglas-Fir Lumber Price Index Review	0596-AB00
214	Disposal of Quartz Mineral on the Ouachita National Forest	0596-AB01
215	Federal Cave Resources Protection	0596-AB02
216	Pre-Award Information Requirements	0596-AB03
217	Forest Service Wilderness Management Policy	0596-AB04
218	National Environmental Policy Act Revised Implementing Policy and Procedures	0596-AB05
219	Fee Policy for Reservoirs	0596-AB07
220	Implementation of National Forest Land and Resource Management Plans	0596-AB09

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
221	Land Status and Title Records	0596-AA24
222	Access to Non-Federal Lands	0596-AA31
223	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
224	Conservation of Fish, Wildlife, and their Habitats Chugach National Forest, Alaska	0596-AA41
225	Definition of Common Variety Mineral Materials	0596-AA44
226	Indian Allotments on National Forest System Lands	0596-AA52
227	Grazing Fees; Eastern and Southern Regions	0596-AA55
228	Prohibitions; Fossil Collecting	0596-AA56
229	Oil and Gas Resources	0596-AA82
230	Surety Bond Form Revision	0596-AA94
231	Hells Canyon National Recreation Area-Use of National Forest Lands	0596-AB08
232	Giving Notice of Decisions Subject to Appeal	0596-AB10

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
233	Ski Area Term Permits	0596-AA57
234	Increase in Minimum Rates Charged for Timber	0596-AA73
235	Deferral of Payments on High-Priced Timber Sales	0596-AA97

Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
236	Annual Reports	0590-AA04

USDA

Rural Electrification Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
237	Procedures for Securing Rural Electrification Administration Approval of Consolidating/Merger Electric Borrowers	0572-AA25
238	Financial Management and Forecasting for Electric Distribution Borrowers	0572-AA26
239	Criteria for Securing REA Approval of Asset Sales by Electric Borrowers	0572-AA33

Rural Electrification Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
240	List of Standard Forms of Telecommunications Contracts	0572-AA20
241	Telephone System Construction Contract	0572-AA21
242	Accounting Requirements for REA Electric Borrowers	0572-AA23
243	Loan Security Documents - Telephone Program	0572-AA30
244	Telephone Materials, Equipment, and Construction - Telephone Program	0572-AA31
245	List of Standard Forms of Electric Contracts - REA Form 830 Electric System Construction Contract and REA Form 831 Electric Transmission Construction Contract	0572-AA34
246	REA Policy on Audits of Electric and Telephone Borrowers	0572-AA36

Rural Electrification Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
247	Prepayment of REA Guaranteed Federal Financing Bank Loans	0572-AA29
248	REA Bulletin 50-6 (D-806), Specification and Drawings for Underground Electric Distribution	0572-AA35

Rural Electrification Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
249	Loan Account Computations, Procedures and Policies	0572-AA19
250	Cushion of Credit Account Computations and Procedures	0572-AA22
251	General Policies, Types of Loans, Loan Requirements - Telephone Program Preloan Procedures and Requirements - Telephone Program	0572-AA28
252	Advance and Disbursement of Funds; Telephone Loan Program	0572-AA32

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
253	Relocation Assistance	0578-AA12

USDA

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
254	Soil Surveys	0578-AA00
255	Snow Surveys and Water Supply Forecasts	0578-AA01
256	Farmland Protection Policy Act	0578-AA14

Office of Operations—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
257	Agriculture Acquisition Regulation	0599-AA00

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Agricultural Marketing Service (AMS)

1. ● VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 55

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of voluntary inspection and grading services for egg products.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/89	
End Review	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington DC 20090-6456, 202 447-3506

RIN: 0581–AA33

2. ● GRADING OF SHELL EGGS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 56

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the service for grading shell eggs and U.S. standards, grades, and weight classes.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/89	
End Review	11/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA34

3. ● MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 59

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the mandatory inspection program for eggs and egg products.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/89	
End Review	11/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington, DC 20090-6456, 202 447-3506

RIN: 0581–AA35

4. ● VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 70

Legal Deadline: None

Abstract: This regulation describes the basis, requirements, and administration of the voluntary grading service for poultry and rabbit products and U.S. classes, standards and grades.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/89	
End Review	11/01/90	

USDA—AMS **Prerule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, PO Box 96456, Washington DC 20090-6456, 202 447-3506

RIN: 0581–AA36

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Agricultural Marketing Service (AMS)

5. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act; 7 USC 511 to 511q; Tobacco Inspection Act; 7 USC 499a to 499s; Perishable Agricultural Commodities Act; 7 USC 471 to 476; Cotton Statistics and Estimates Act of 1927; 7 USC 511r; Tobacco Adjustment Act of 1983; 7 USC 15b; US Cotton Futures Act

CFR Citation: 7 CFR 27 to 209

Legal Deadline: None

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Wyatt, Regulatory Review Officer, Department of Agriculture, Agricultural Marketing Service, Room 3516-S, Washington, DC 20250, 202 447-3785

RIN: 0581–AA19

6. PROPOSED NEW MILK MARKETING ORDER FOR NORTH CAROLINA AND SOUTH CAROLINA

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act

CFR Citation: 7 CFR 1005 (New)

Legal Deadline: None

Abstract: To establish minimum uniform classified use prices to processors for raw milk received from producers and marketed in the current of interstate commerce. The States do not have authority to price the milk originating from out-of-State sources. The producer grouped in the Carolinas request that a Federal order be established to provide minimum prices to all dairy farmers whose milk is marketed in the Carolinas.

Timetable:

Action	Date	FR Cite
NPRM Public Hearing	04/17/89	54 FR 11206

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clayton Plumb, Chief, Order Formulation Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Bldg., Washington, DC 20250, 202 447-6273

RIN: 0581–AA28

7. PROPOSED NEW MARKETING AGREEMENT AND ORDER FOR SEEDLESS EUROPEAN CUCUMBERS

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674, Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 968 (New)

Legal Deadline: None

Abstract: To establish minimum quality standards, container requirements and market promotion. The proposal was submitted by the Greenhouse Vegetable Growers Association. The proposed agreement and order would promote the quality and pack of seedless European cucumbers in the marketplace. In addition, it would enable the establishment of production research and marketing research and development activities to improve production practices and increase the consumption of seedless European cucumbers. The program would be financed by assessments levied on seedless European cucumber handlers. The assessment rate would be recommended by the committee and approved by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	52 FR 24070
NPRM Public hearing	06/22/88	52 FR 24070
NPRM Recommended Decision	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA30

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Marketing Service (AMS)

8. PROPOSED MARKETING ORDER FOR VIDALIA ONIONS GROWN IN GEORGIA

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674, Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 955 (New)

Legal Deadline: None

Abstract: To authorize production and marketing research and promotion projects including paid advertising for Vidalia onions. The primary objective of this program would be to improve grower returns by strengthening consumer demand through various promotion activities and by reducing costs through production and marketing research. The program would be financed by assessments on handlers.

Timetable:

Action	Date	FR Cite
NPRM	08/23/88	52 FR 32054
NPRM Public Hearing	08/23/88	53 FR 32054
Tentative Decision and Referendum Order	02/24/89	54 FR 8160
Interim Final Rule	03/16/89	54 FR 10972
Comment period end	06/30/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, **202 447-2491**

RIN: 0581–AA29

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Agricultural Marketing Service (AMS)

9. PROPOSED NEW MARKETING AGREEMENT AND ORDER TX-NM (HIGH PLAINS) POTATOES

Significance: Agency Priority

CFR Citation: 7 CFR 949 (New)

Completed:

Reason	Date	FR Cite
Final Action	06/02/89	54 FR 23634
Final Action Effective	06/02/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jay Guerber 202 447-2491

RIN: 0581–AA31

10. PROPOSED NEW NATIONAL WATERMELON RESEARCH AND PROMOTION PLAN

Significance: Agency Priority

CFR Citation: 7 CFR 1210 (New)

Completed:

Reason	Date	FR Cite
Final Action	06/08/89	54 FR 24543
Final Action Effective	06/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jay Guerber 202 447-2491

RIN: 0581–AA32

BILLING CODE 3410-02-T

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

11. 1990 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Agricultural Act of 1949, as amended, Sec 103(h)

CFR Citation: 7 CFR 1427

Legal Deadline: Final, Statutory, December 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements. Primary determinations to be made are (1) loan rate--not less than 85% of average market price over previous 5 years excluding the high and low prices, (2) target price--120% of the loan level, and (3) acreage reduction--to be set at such a level as to assure that total supplies will not be excessive. Decisions also to be made on whether or not to implement paid land diversion or advance deficiency payments. The cost to USDA will likely range from $0 to $1.0 million.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40470
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560–AB43

12. 1990 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended, Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719 to 720; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Final, Statutory, January 31, 1990.

Abstract: To assure sufficient supplies of rice for domestic and export use,

support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--85 percent of the previous 5-year average, excluding the high and low years, but cannot be reduced more than 5 percent from previous year's level nor be lower than $6.50/cwt, (2) target price--no lower than $10.71/cwt, (3) acreage limitation--no more than 35 percent, with a target carryover level of 30 million cwt. Determinations are also to be made on (1) a land diversion program, (2) advance deficiency/diversion payments, (3) purchase of marketing certificates under marketing loan, (4) loan deficiency payments, (5) inventory reduction program (half-ARP), and (6) loan rate adjustments (loan differentials). The expected cost to USDA will likely range from $0.8 to $1.1 billion.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB45

13. 1990 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 201

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will ensure a viable domestic wool industry in the future, by supporting the price of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. Determination is to be made on the support level for mohair, which may not be more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB49

14. 1990-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: Legislation requires that 1990-crop honey be supported at 95 percent of the 1989 level, or $0.5402 per pound. This price support level must be further reduced by $0.0025 per pound under the provisions of the Omnibus Budget Reconciliation Act of 1987. Legislation also provides the Secretary with the discretion to allow loan repayment at a rate below the support level. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of U.S. honey in domestic and export markets. Determinations to be made are (1) the type of support to offer (loans, purchases, or loans and purchases), and (2) implementation of the lower repayment provision. Federal outlays are expected to be less than $60 million if the lower repayment provision is adopted.

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	
Final Action	03/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB60

15. 1990 PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1445; The Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: None

Abstract: To stabilize prices for five kinds of tobacco and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower the price support level at the request of producer associations. Increases may be limited to 65 percent of the formula increase. This price support program is expected to result in net Federal receipts of approximately $16 million in FY 1990.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
Final Action	08/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB64

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

16. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
NPRM	06/19/89	54 FR 25718
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AA38

17. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: Final, Statutory, October 1, 1986.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
Announcement	10/01/86	
Interim Final Rule	10/29/86	51 FR 39507
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AA74

18. PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 1)

Legal Authority: 15 USC 714b and 714c; 7 USC 1441 et seq; 7 USC 1359; 7 USC 1375

CFR Citation: 7 CFR 1446

Legal Deadline: None

Abstract: This action would amend the regulations to allow export credits for crushing sound mature kernels (SMK) and sound split (SS) kernels. This action is needed because current regulations do not provide non-physically supervised handlers an alternative market for SMK and SS kernels other than the export market. An alternative market is needed when the export market is lost or when the peanuts become ineligible for export due to aflatoxin contamination.

Alternatives considered are: (1) Permit a one-time switch to physically supervised crushing of SMK and SS peanuts, regardless of quality, (2) permit prorated credit (based on ratio of contract additional peanuts purchased to total peanuts purchased) for peanuts crushed due to aflatoxin contamination, (3) permit a one-time switch to physically supervised crushing of peanuts that meet edible export standards. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB47

19. 1989 SOYBEAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421.365 to 1421.374

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: To assure sufficient supplies of soybeans for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. Determinations to be made are (1) loan and purchase rates--with a probable range of $4.50-$4.53/bu., and (2) whether to implement a marketing loan program. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
Announcement	08/24/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB48

20. 1990-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Adjustment Act of 1938, Sec 358, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: The objective of this action is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses, and may not be less than 1.1 million tons. A net cost of $1 million is expected.

USDA—ASCS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB54

21. 1990 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; The Agricultural Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs and comply with statutory requirements. Determinations to be made are (1) loan rate--not less than 50.00 cents/lb., (2) target price--not less than 72.90 cents/lb., (3) loan repayment rate--if world price is below loan rate, repayment rate may be set by 1 of 2 options: (Plan A or Plan B, Sec. 103A(a(5))), (4) acreage reduction--no greater than 25%, and (5) other provisions: whether or not to implement voluntary paid land diversion, half-compliance program, advance deficiency or diversion payments and PIK payments. The cost to USDA will likely range from $1.0 to $3.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33744
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB55

22. 1990 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444e; 7 USC 1421; The Agricultural Act of 1949, as amended, Sec 105c and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794; 7 CFR 795; 7 CFR 796; 7 CFR 1421.734

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--probable range of $1.57-$1.96/bu for corn, with rates for other feed grains set in relation to that for corn, (2) target prices--not less than $2.75/bu for corn, with rates for other feed grains set in relation to that for corn, and (3) acreage adjustment--not less than 12.5% nor more than 20%, if corn carryin is projected to exceed 2 billion bu. Decisions also to be made on whether to implement (1) a paid land diversion, (2) a marketing loan, (3) a half-compliance program, (4) incentives for farmers to participate in the FOR, and (5) price support for corn silage. The cost to USDA will likely range from $6.0-$8.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	07/05/89	54 FR 28078
Announcement	09/29/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB56

23. 1990 MILK PRICE SUPPORT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1430; The Agricultural Act of 1949, Sec 201, as amended

CFR Citation: 7 CFR 1430

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: The objective of this action is to support farm income and stabilize prices. Legislation requires that if estimated price support purchases of dairy products for 1990 exceed 5 billion pounds (milk equivalent), the Secretary of Agriculture shall reduce the milk support price by 50 cents per hundredweight on January 1, 1990, and, if estimated purchases for 1990 are less than 2.5 billion pounds (milk equivalent), the Secretary shall increase the support price by 50 cents per hundredweight. Federal outlays for the 1990 Milk Price Support Program are expected to be approximately $800 million in FY 1990.

Timetable:

Action	Date	FR Cite
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB59

24. 1990-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec 314; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: Final, Statutory, February 1, 1990.

Abstract: Burley marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable

supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and a cost index (1/3), plus discretion to limit any increase to 65 percent of the formula increase. Federal net outlays for the 1990-crop burley tobacco program are expected to be approximately $35 million in FY 1990. These outlays will be offset by receipts in FY 1991.

Timetable:

Action	Date	FR Cite
Final Action	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB61

25. 1990-CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; Agricultural Adjustment Act of 1938, Sec 314, as amended; 7 USC 1445; Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: Flue-cured tobacco marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and a cost index (1/3), with discretion to limit any increase to 65 percent of the formula increase. The 1990-crop flue-cured tobacco program is expected to result in net Federal receipts of approximately $80 million in FY 1990.

Timetable:

Action	Date	FR Cite
Final Action	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box, 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB62

26. 1990-CROP NATIONAL AVERAGE LOAN RATES FOR QUOTA AND ADDITIONAL PEANUTS AND MINIMUM CCC EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-2; Agricultural Act of 1949, Sec 108.13, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1990.

Abstract: The objective of this action is to support farm income and stabilize prices. The action is required by legislation. It provides a formula for calculating the loan rate for quota peanuts and guidelines for establishing the loan rate for additional peanuts. A determination must also be made on the sales price for export edible additional peanuts.

Timetable:

Action	Date	FR Cite
Final Action	02/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB63

27. 1990-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Adjustment Act of 1938, Sec 312, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, March 1, 1990.

Abstract: Marketing quotas and acreage allotments are required by legislation for these five kinds of tobacco. The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield optimal supplies.

The marketing quota and allotment program is expected to result in net Federal receipts of approximately $15 million in FY 1990.

Timetable:

Action	Date	FR Cite
Final Action	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB65

28. ● 1991-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Adjustment Act of 1938, Sec. 358, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1990.

Abstract: The objective of this action is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic edible, seed,

USDA—ASCS **Final Rule Stage**

and related uses, and may not be less than 1.1 million tons. A net cost of $1 million is expected.

Timetable:

Action	Date	FR Cite
Final Action	12/14/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, D.C. 20013, 202 475-4636

RIN: 0560–AB66

29. ● 1990 SOYBEAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949 as amended, Sec.201

CFR Citation: 7 CFR 1421.365-374

Legal Deadline: Final, Statutory, October 1, 1990.

Abstract: To assure sufficient supplies of soybeans for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. Determinations to be made are (1) loan and purchase rate, and (2) whether to implement a marketing loan program. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/28/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, D.C. 20013, 202 475-4636

RIN: 0560–AB67

30. ● 1990-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1421; 7 USC 1446; The Agricultural Act of 1949, as amended, Sec.201 and 401

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: To set forth (1) loan rates applicable to 1990-crop sugar beets and sugarcane, and (2) the 1990-crop minimum price support levels processors are required to pay growers. The minimum national average loan rate is set by statue at $0.18/lb. for sugarcane with the rate for sugar beets set at such level as the Secretary determines is fair and reasonable in relation to that for sugarcane. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, D.C. 20013, 202 475-4636

RIN: 0560–AB68

31. ● 1990 CCC COTTON LOAN PROGRAM REGULATIONS—BALE PACKAGING MATERIALS

Legal Authority: 15 USC 714b and c; Commodity Credit Corporation Charter Act, Sec. 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: This action will incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1990 that are approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	07/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, D.C. 20013, 202 475-4636

RIN: 0560–AB69

32. ● 1990 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS (EXCEPT PUERTO-RICAN CIGAR FILLER)

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec. 314

CFR Citation: None

Legal Deadline: None

Abstract: This action announces the penalty rates for all kinds of tobacco subject to quotas (except Puerto-Rican Cigar Filler) for the 1990 marketing year. Legislation provides that the penalty shall be 75 percent of the previous year's average marketing price. Tobacco producers, warehousemen, and dealers need to be advised of the penalty rates prior to the beginning of the marketing year (July 1, 1990 for flue-cured).

Timetable:

Action	Date	FR Cite
Final Action	06/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington D.C. 20013, 202 475-3646

RIN: 0560–AB70

33. ● 1989 MARKETING YEAR PENALTY RATE FOR PUERTO-RICAN CIGAR-FILLER TOBACCO

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec.314

CFR Citation: None

Legal Deadline: None

Abstract: This action announces the penalty rate for Puerto-Rican Cigar-Filler Tobacco for the 1989 marketing year. Legislation provides that the

USDA—ASCS

Final Rule Stage

penalty shall be 75 percent of the previous year's average market price. Tobacco producers and dealers need to be advised of the penalty rate prior to the beginning of the marketing year (October 1, 1989).

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, D.C. 20013, 202 475-4636

RIN: 0560–AB71

34. ● CROP YEARS 1989 AND 1990 SHRINK ADJUSTMENT FOR ADDITIONAL PEANUTS

Legal Authority: 7 USC 1359; The Agricultural Act of 1938, as amended, Sec. 359

CFR Citation: 7 CFR 1446

Legal Deadline: None

Abstract: This action is needed to provide a fair and equitable shrink adjustment for use in determining export obligations for contract additional peanuts purchased by peanut handlers who have chosen to operate under nonphysical supervision. Shrink adjustments less than actual shrinkage can result in handlers being required to purchase quota peanuts to make up the differences, while adjustments in excess of actual shrinkage can result in higher Government outlays through increased quantities of peanuts being placed under loan.

Timetable:

Action	Date	FR Cite
NPRM	07/20/89	54 FR 30395
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory and Economic Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, D.C. 20013, 202 475-4636

RIN: 0560–AB72

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

35. 1989-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	07/10/89	54 FR 28826

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB13

36. 1989 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 1468; 7 CFR 1472

Completed:

Reason	Date	FR Cite
Final Action	06/23/89	54 FR 26401

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB20

37. CCC COTTON LOAN PROGRAM REGULATIONS--SETTLEMENT, FRAUD, AND CONVERSION PROVISIONS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	06/15/89	54 FR 25444

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB22

38. DAIRY INDEMNITY PAYMENT PROGRAM--JANUARY 1, 1988 - SEPTEMBER 30, 1990

CFR Citation: 7 CFR 760.1 to 760.34

Completed:

Reason	Date	FR Cite
Final Action	03/22/89	54 FR 11693

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB30

39. 1989-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Announcement	04/09/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB31

40. 1989 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/11/89	54 FR 37491

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB32

41. 1989-CROP NATIONAL AVERAGE LOAN RATE AND MINIMUM CCC EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	07/10/89	54 FR 28827

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB33

42. 1989-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

CFR Citation: 7 CFR 724

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26059

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB34

43. 1989-CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26059

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB35

44. 1989-CROP NATIONAL AVERAGE PRICE SUPPORT LEVEL FOR QUOTA PEANUTS

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	07/10/89	54 FR 28827

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB36

45. 1989-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Completed:

Reason	Date	FR Cite
Final Action	06/07/89	54 FR 24368

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB37

46. COMMON PROGRAM PROVISIONS FOR THE 1990 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	09/02/89	54 FR 38699

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB38

47. 1989 RICE PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 720; 7 CFR 794 to 796; 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	04/24/89	54 FR 16381

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB39

48. 1990 WHEAT PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796

Completed:

Reason	Date	FR Cite
Final Action	09/02/89	54 FR 38699

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB41

49. 1989 CCC COTTON LOAN PROGRAM REGULATIONS -- BALE PACKAGING MATERIALS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	03/20/89	54 FR 11493

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB44

50. PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 3)

CFR Citation: 7 CFR 1446

Completed:

Reason	Date	FR Cite
Final Action	07/20/89	54 FR 30366

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB46

51. 1989-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

CFR Citation: None

USDA—ASCS

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26061

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB51

52. 1989-90 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	07/12/89	54 FR 29360

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB52

53. 1989 - CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	09/29/89	54 FR 40149

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB53

54. 1989 MILK PRICE SUPPORT PROGRAM, JULY 1, MANDATORY PRICE SUPPORT DECREASE

Significance: Regulatory Program

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Final Action	07/06/89	54 FR 28450

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB58

BILLING CODE 3410-05-T

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Animal and Plant Health Inspection Service (APHIS)

55. ● ANIMALS DESTROYED BECAUSE OF SCRAPIE

Significance: Agency Priority

Legal Authority: 21 USC 111; 21 USC 114; 21 USC 114a; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134d; 21 USC 134e; 21 USC 134f; 21 USC 134g; 21 USC 134h

CFR Citation: 9 CFR 54

Legal Deadline: None

Abstract: Under the Scrapie Eradication Program and the regulations in 9 CFR Part 54, indemnity for an animal destroyed because of scrapie, a highly transmissible and fatal disease of the central nervous system of sheep and goats, is paid to its owner at fair market value, not to exceed $300 per head. Under the present program, indemnities are paid for affected and bloodline animals only. There is no diagnostic test for the disease and no treatment. The existing Scrapie Eradication Program is not federally mandated and depends upon state efforts and funds, industry cooperation, and reporting by flock owners. APHIS is considering the regulatory option of negotiated rulemaking in order to develop a program which will satisfy animal health needs, industry needs, and State and Federal governmental needs.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/88	53 FR 44200
ANPRM Comment Period End	03/06/89	
NPRM	07/13/89	54 FR 29576
Notice-Intent to Form Advisory Committee Negotiated Rulemaking	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Chester A. Gipson, Senior Staff Veterinarian, Veterinary Services, Department of Agriculture, Animal and Plant Health Inspection Service, Room 770, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-7679

RIN: 0579–AA24

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

56. IMPORTATION OF NURSERY STOCK, PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 150dd to 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. PPQ is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles. These revisions will allow the importation of certain living plants and related articles under appropriate regulatory controls, and will prohibit

the importation of other living plants and related articles.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Public Hearing	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Port Operations Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 637, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8248

RIN: 0579–AA21

---

57. ● REVISION OF 9 CFR 82, EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSCITTACOSIS AND ORNITHOSIS IN POULTRY

Significance: Agency Priority

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 82; 7 CFR 2.17; 7 CFR 2.51; 7 CFR 371.2(d)

Legal Deadline: None

Abstract: Exotic Newcastle Disease (also known as viscerotropic velogenic Newcastle disease and as VVND) and pscittacosis or ornithosis (now generally referred to as chlamydiosis) are communicable diseases of birds and poultry. The spread of these diseases in the United States could have serious consequences for the United States poultry industry. A review of the Department's regulations to prevent the interstate spread of these diseases indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	
NPRM Comment Period End	04/28/90	
Final Action	10/28/90	
Final Action Effective	11/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. M. A. Mixson, Chief Staff Veterinarian, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 747, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8073

RIN: 0579–AA22

---

58. ● REVISION OF 7 CFR 319.56, IMPORTATION OF FRUITS AND VEGETABLES

Significance: Regulatory Program

Legal Authority: 7 USC 150dd to 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319.56; 7 CFR 2.17; 7 CFR 2.51; 7 CFR 371.2(c)

Legal Deadline: None

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, APHIS is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables.

Timetable:

Action	Date	FR Cite
NPRM	10/30/90	
Public Hearing Discussing Issues raised in NPRM	11/14/90	
NPRM Comment Period End	12/30/90	
Final Action	06/30/91	
Final Action Effective	07/30/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Plant Protection and Quarantine, Department of Agriculture, Animal and Plant Health Inspection Service, Room 632 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8393

RIN: 0579–AA23

---

59. ● IMPORTED FIRE ANT

Significance: Agency Priority

Legal Authority: 7 USC 150bb; 7 USC 150dd; 7 USC 150ee; 7 USC 161 to 162; 7 USC 164 to 167; 7 USC 2.17; 7 USC 2.51; 7 USC 371.2(c)

CFR Citation: 7 CFR 301

Legal Deadline: None

Abstract: The Department is proposing to revise "Subpart--Imported Fire Ant," which contains quarantine and interstate movement regulations for the containment and control of this destructive plant pest. Executive Order 12291 and Department Regulation 1512-1 require that agencies initiate reviews of currently effective rules to bring about the goal of reduction of regulatory burdens and to minimize impacts on small entities. The proposed rule is part of the scheduled review of "Subpart--Imported Fire Ant" to meet regulatory review requirements. Revising the regulations would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations in preventing the interstate spread of the imported fire ant.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301 436-8682

RIN: 0579–AA25

---

60. ● PROCEDURES FOR IMPORTING ANIMALS THROUGH THE HARRY S TRUMAN ANIMAL IMPORT CENTER; APPROVAL OF EMBARKATION QUARANTINE FACILITIES

Significance: Agency Priority

Legal Authority: 7 USC 1622; 19 USC 1396; 21 USC 102 to 105; 21 USC 111; 21 USC 134a; 21 USC 134b; 21 USC 134c; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92; 7 CFR 2.17; 7 CFR 2.51; 7 CFR 371.2(d)

Legal Deadline: None

USDA—APHIS **Proposed Rule Stage**

Abstract: 1. Animals imported from countries know or believed to be affected with certain exotic diseases must be quarantined in the Harry S Truman Animal Import Center (HSTAIC). This facility cannot accommodate all requested importations per calendar year. The Department is proposing to establish a lottery system whereby importers would be selected to be granted exclusive use of HSTAIC. This lottery system would establish an equitable and orderly means of allotting space at HSTAIC. 2. Animals imported through HSTAIC must first be quarantined in an embarkation quarantine facility (EQF) in the country of origin. Currently the Department approves only one EQF per continent. The Department is proposing to provide for approval of a separate EQF per importation, and to establish standards for approval of EQF's. This change would reduce the logistical complexities of exporting animals from their country of origin.

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36806
NPRM Comment Period End	10/05/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8682**

RIN: 0579–AA26

61. ● SWINE IDENTIFICATION

Significance: Agency Priority

Legal Authority: 21 USC 111 to 113; 21 USC 114a; 21 USC 114a-1; 21 USC 114g; 21 USC 115 to 117; 21 USC 120 to 126; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 71; 9 CFR 78; 7 CFR 2.17; 7 CFR 2.51; 7 CFR 371.2(d)

Legal Deadline: None

Abstract: Swine moving in interstate commerce may be adulterated with drug and other chemical residue levels higher than the allowed tolerance and may be spreading diseases. Mandatory identification of swine allows APHIS to locate sources of infection in order to eradicate and contain disease and allows the Food Safety Inspection Service (FSIS) to more easily determine the source of adulterated meat and prevent its consumption. The current regulations require identification of swine when entered into interstate commerce. The Department is proposing to amend the regulations to allow this identification to be carried out at various specified points in marketing channels. This amendment would allow for effective traceback of diseased or contaminated swine without unnecessarily disrupting standard marketing procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Helene R. Wright, Chief, Regulatory Analysis, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8682**

RIN: 0579–AA27

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Animal and Plant Health Inspection Service (APHIS)

62. ANIMAL WELFARE REGULATIONS; STANDARDS

Significance: Regulatory Program

Legal Authority: 7 USC 2131; 7 USC 2132; 7 USC 2133; 7 USC 2134; 7 USC 2135; 7 USC 2136; 7 USC 2137; 7 USC 2138; 7 USC 2139; 7 USC 2140; 7 USC 2141; 7 USC 2142; 7 USC 2143; 7 USC 2144; 7 USC 2145; ...

CFR Citation: 9 CFR 3.1 to 3.17, (Revision); 9 CFR 3.25 to 3.41, (Revision); 9 CFR 3.75 to 3.91, (Revision)

Legal Deadline: None

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131 et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. APHIS is proposing to amend, revise, and expand the "Standards" relating to dogs and cats, guinea pigs and hamsters, and nonhuman primates, and will include provisions for exercise of dogs and for promoting the psychological well-being of primates.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10897
NPRM Comment Period End	07/13/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Dale F. Schwindaman, Asst. Deputy Administrator, Regulatory Enforcement and Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 206, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-6490**

RIN: 0579–AA20

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Completed Actions

63. ANIMAL WELFARE; DEFINITION OF TERMS AND REGULATIONS

Significance: Regulatory Program

CFR Citation: 9 CFR 1, (Revision); 9 CFR 2, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	08/31/89	54 FR 36112
Final Action Effective	10/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Dale F. Schwindaman 301 436-6490

RIN: 0579–AA18

BILLING CODE 3410-34-T

DEPARTMENT OF AGRICULTURE (USDA)
Cooperative State Research Service (CSRS)

Proposed Rule Stage

64. AGRICULTURAL RESEARCH INVOLVING OUTDOOR FIELD TESTING OF BIOTECHNOLOGY - MODIFIED ORGANISMS

Significance: Regulatory Program

Legal Authority: PL 99-198 Food Security Act of 1985; 7 USC 450(h); 7 USC 3121(12); National Agr. Research Ext. and Teaching Policy Act of 1977; Sec 1405(12) as amended

CFR Citation: 7 CFR 3015.205; 7 CFR 3200.4(d)(7); 7 CFR 3400.4(c)(12)

Legal Deadline: None

Abstract: USDA/CSRS plans to publish advisory guidance for the safe performance of USDA-funded research involving outdoor field testing of biotechnology modified organisms.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL ABSTRACT: The research guidance will be published as a notice in the Federal Register rather than as a proposed rule. The notice will contain research guidance consisting of general guideline principles for field testing biotechnology-modified organisms.

USDA research agencies plan to promote adherence to the biotechnology research guidelines by announcing that it is their policy that researchers employed or funded by USDA adhere to the guidelines.

Agricultural field tests of biotechnology modified organisms may have potential impacts on the environment. Therefore, USDA plans to prepare an Environmental Impact Statement (EIS) for the guidelines. Public hearings and document availabilities related to the EIS will be announced in the Federal Register.

Agency Contact: William S. Smith, Regulatory Coordinator, Department of Agriculture, Cooperative State Research Service, Room 310-C, Aerospace Building, 901 D St, SW, Washington, DC 20250, 202 475-4964

RIN: 0524–AA00

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Prerule Stage

65. RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/89	
ANPRM Comment Period End	01/01/90	
NPRM	06/12/90	
NPRM Comment Period End	07/14/90	
Final Action	12/29/90	
Final Action Effective	01/29/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA29

66. CHANGES TO FARMERS HOME ADMINISTRATION (FMHA) GUARANTEED LOAN MAKING AND SERVICING REGULATIONS AS A RESULT OF A STUDY OF THE PROGRAM REQUESTED BY OMB

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1980

Legal Deadline: None

USDA—FmHA **Prerule Stage**

Abstract: This revision will propose changes as deemed appropriate as a result of the study to be made which was recommended by OMB recently. Potential costs and benefits will not be known until the recommendations have been made and a criterion of changes established.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA66

67. ● COMMUNITY PROGRAMS GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; EO 12291

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: Proposed legislation H.R. 2883 relating to Rural Development, Agriculture, and Related Agencies Appropriations Bill 1990 provides for guaranteed community facilities and water and waste disposal loan authorities for fiscal year 1990. Farmers Home Administration proposes to develop and implement a new Community Guaranteed Loan Program regulation utilizing guidelines established by community programs for loanmaking and loan servicing.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	12/00/89	
NPRM	04/01/90	
NPRM Comment Period End	06/01/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Building, Washington DC 20250, 202 382-9744

RIN: 0575–AA72

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Proposed Rule Stage

68. PROPERTY MANAGEMENT

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1955

Legal Deadline: None

Abstract: Create a new Subpart D to cover liquidation of Single Family Housing (SFH) loans, and management and sale of SFH inventory property; and revise existing Subparts A, B, and C to have them apply to all programs other than SFH. Costs to create new subpart and revise and/or amend existing ones is minimal and would enhance all programs' ability to revise and/or amend the regulations with reduced clearances and provide personnel with clearer and simpler regulations to follow and implement. Will avoid "tie-up" of the regulations for one program subject to changes mandated by legislation or court order for another program, such as SFH changes being held up subject to Farmer Program changes being completed as has frequently been the case.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	
NPRM Comment Period End	05/01/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Action on this project was effectively paralyzed during calendar year 1988 by extensive changes by Farmer Programs pursuant to the Agriculture Act of 1987.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA03

69. HOUSING PRESERVATION GRANTS

Legal Authority: 42 USC 1490 (m)

CFR Citation: 7 CFR 1944, Subpart N

Legal Deadline: None

Abstract: Expansion of HPG program to include residential rental properties (single and multi-unit) and cooperative housing. Maintain availability of adequate and decent, safe, and sanitary rental housing for very low and low income individuals and families in the rural areas. Compliance with the Housing and Urban Recovery Act of 1983 and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	
NPRM Comment Period End	02/01/90	
Final Action	06/01/90	
Final Action Effective	07/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA18

USDA—FmHA

Proposed Rule Stage

70. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944-A

Legal Deadline: None

Abstract: Address and clarify items to improve program (child support, unemployment compensation, etc.). Revise cost containment.

Timetable:

Action	Date	FR Cite
NPRM	03/31/90	
NPRM Comment Period End	05/31/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA35

71. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930; 7 CFR 1944; 7 CFR 1965

Legal Deadline: None

Abstract: This regulation is being revised to provide clarification on the processing differences between membership changes and transfers, to broaden the ability to consolidate and reamortize loans, to clarify actions to be taken during a bankruptcy, and to clarify and discuss the classification of problem loans and their resolution, along with other minor revisions. These revisions are needed so as to provide more complete guidance to field staff and borrowers on the topics discussed above. Potential costs consist of administrative time involved with Agency personnel drafting and completing regulation. No alternatives were identified as being appropriate to address the several problems being corrected with this regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA38

72. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA39

73. COMPLAINTS AND COMPENSATION FOR CONSTRUCTION DEFECTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1924 F

Legal Deadline: None

Abstract: Clarify handling of construction defect complaints on newly constructed homes and provide for handling of construction defect complaints on manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	
NPRM Comment Period End	02/28/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA41

74. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for change in definition of delinquent account and certain other changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA42

75. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Legal Deadline: None

Abstract: General revision to keep the regulations current with policy clarification and incorporate changes to comply with recent legislative changes.

Alternatives were to not revise or only incorporate some changes.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA49

76. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1965, Subpart B

Legal Deadline: None

Abstract: This revision implements Subtitle C, "Rural Rental Housing Displacement Prevention," of the Housing and Community Development Act of 1987. Since this revision is mandated by legislation, alternatives were limited.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA51

77. REAL PROPERTY INSURANCE

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for the continuation of insurance for borrowers on escrow.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA53

78. SECURITY SERVICING FOR SINGLE FAMILY RURAL HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for the implementation of escrow services for SFH loan accounts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA54

79. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Significance: Agency Priority

Legal Authority: PL 100-71

CFR Citation: 7 CFR 1951, Subpart G

Legal Deadline: None

Abstract: Provide for escrowing and the application of payments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA55

80. SECONDARY MARKET FOR FARMER PROGRAM LOANS

Significance: Regulatory Program

Legal Authority: 7 USC 1988 Consolidated Farm and Rural Devel. Act (amendment); PL 100-233, Sec 711 Agricultural Credit Act of 1987

CFR Citation: 7 CFR 1980

Legal Deadline: Final, Statutory, July 6, 1988.
PL 100-233, Sec 711, states: "Within 180 days after the date of the enactment of this Act, the Secretary shall develop and promulgate final regulations to implement this section (cont)

Abstract: Legislation mandates that the Secretary develop procedures to facilitate, administrate and promote secondary market operations for FmHA guaranteed farm loans. It is suggested that the Secretary, directly or through a market maker, provide for the pooling of guaranteed loans and the issuance and sale of certificates backed by those loan pools. Through this procedure, secondary market activities could be promoted and expanded, thereby increasing the supply of loan money in rural areas -- allowing rural banks to increase their lending activity to farmers, rural businessmen and residents. Obtaining the services of a private agent to act as a central registry and fiscal agent -- coordinating fund flows from lenders to pool investors; handling pool formations and executions, issuance and ownership of pool shares, and monitoring of loan payments -- is the favored alternative expected to successfully meet the legislative mandate. FmHA would act as the facilitator, arranging for the creation of this private market activity, (cont)

USDA—FmHA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: ABSTRACT CONT: funding the agent. Another alternative considered is establishing an in-house capability to track the sale of guaranteed loans and transfer payments as required, but this option would require substantial personnel and other Agency resources and would prove extremely expensive.

LEGAL DEADLINE CONT: and the Amendment made by this section."

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA59

81. FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1950 Subpart C

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing regulations. This action is in response to the general public and FmHA staff requests for clarification of the Farm Labor Housing regulations. The intended effect is to provide more comprehensive guidance to applicants when applying for farm labor housing loans and grants: (1) make certain paragraphs consistent with other related parts and other housing regulations; (2) redefine terminology to ensure appropriate implementation of program eligibility standards; (3) incorporate provision of the Housing and Urban Recovery Act of 1983; housing amendments of 1984, 85 and 86; and (4) provide direction to FmHA State and District Office personnel through separate processing instructions.

Timetable:

Action	Date	FR Cite
NPRM	01/01/90	
NPRM Comment Period End	03/01/90	
Final Action	07/01/90	
Final Action Effective	08/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA60

82. PROCESSING AND SERVICING FMHA ASSISTANCE TO EMPLOYEES, RELATIVES AND ASSOCIATES

Legal Authority: 7 USC 1988, Sec 336b

CFR Citation: 7 CFR 1900 Subpart D

Legal Deadline: None

Abstract: FmHA Instruction 2045-BB, Employee Responsibilities and Conduct (available in any FmHA office), requires the maintenance of high standards of honesty, integrity, and impartiality by employees. Within the limitations of that instruction and specific program restrictions, FmHA employees, family members, close relatives and other associates are eligible to receive certain types of FmHA loan and grant assistance. To assure that employee conduct is above reproach, any processing, approval, servicing or review activity is conducted only by authorized FmHA employees who (1) are not themselves the recipient; (2) are not family members or close relatives of the recipient; (3) do not have an immediate working relationship with the recipient, the employee related to the recipient, or the employee who would normally conduct the activity; or (4) do have a business or close personal relationship with the recipient, the employee related to the recipient or the employee who would normally conduct the activity. Nothing in this instruction takes precedence over individual program requirements or restrictions.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	
NPRM Comment Period End	11/01/89	
Final Action	02/01/90	
Final Action Effective	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA64

83. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS - PROCESSING PREAPPLICATIONS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E

Legal Deadline: None

Abstract: Revise and simplify the manner in which Multifamily Housing preapplications are rated, ranked, and funded.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA67

USDA—FmHA **Proposed Rule Stage**

84. ● SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED - MULTIPLE FAMILY HOUSING

Legal Authority: 42 USC 1480; 42 USC 2,942

CFR Citation: 7 CFR 1951

Legal Deadline: None

Abstract: General revision to keep the regulation current with the clarification of policy and incorporation of changes regarding automated processing of payments. The alternative was to not make the revision.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Farmers Home Administration, USDA, Room 6348 South Building, Washington, D.C. 20250, 202 382-9725

RIN: 0575–AA69

85. ● APPRAISAL OF RURAL RENTAL HOUSING PROPERTIES

Significance: Agency Priority

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1922

Legal Deadline: None

Abstract: Revise regulations on appraising Rural Rental Housing Property.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	04/01/90	
Final Action	10/01/90	
Final Action Effective	11/01/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, USDA, Room 6348-South Building, Washington, D.C. 20250, 202 382-9725

RIN: 0575–AA71

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Farmers Home Administration (FmHA)

86. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C

Legal Deadline: None

Abstract: Revision required by the Office of Inspector General (OIG) to change standards for multiple housing project audits to Generally Accepted Government Auditing Standards (GAGAS) in order to minimize potential for fraud, waste and abuse of Government lending. OIG used State audits of the multiple family housing program to document their concerns so alternatives to regulation change were limited.

Timetable:

Action	Date	FR Cite
NPRM	01/10/89	54 FR 824
NPRM Comment Period End	03/13/89	54 FR 824
Final Action	06/30/89	
Final Action Effective	10/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA20

87. SELF-HELP TECHNICAL ASSISTANCE GRANTS

Legal Authority: 7 USC 1989; 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944-I

Legal Deadline: None

Abstract: Complete revision to improve grantee's accounting responsibilities. No costs associated with action. Benefits reduce possibility of program fraud and abuse. Increase borrower's labor contribution.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17751
NPRM Comment Period End	06/26/89	54 FR 17751
Final Action Effective	12/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA34

88. RURAL HOUSING PROGRAM LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1980, Subpart A; 7 CFR 1980, Subpart D

Legal Deadline: Other, Statutory, March 6, 1989.
Amendments to Stewart B. McKinney Homeless Assistance Act requires regulation to be published within 120 days of 11/06/88.

Abstract: Update and revise existing Guaranteed Loan Regulations to incorporate revisions made to existing Rural Housing 502 Insured Loan Regulations and to remove obstacles in loan making for lenders. This action is being done to carry out the objectives of the Housing Act of 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 12873
Effective Date	03/29/89	
Comment Period End	05/30/89	
Final Action	10/31/89	

Small Entities Affected: None

USDA—FmHA **Final Rule Stage**

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA48

89. CHANGES TO THE FARMERS HOME ADMINISTRATION (FMHA) FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT APPLICABLE PROVISIONS OF "THE AGRICULTURAL CREDIT ACT OF 1987"

Significance: Regulatory Program

Legal Authority: PL 100-233, Sec 601

CFR Citation: 7 CFR 1910, Subpart A; 7 CFR 1924, Subpart A; 7 CFR 1924, Subpart B; 7 CFR 1941, Subpart A; 7 CFR 1941, Subpart B; 7 CFR 1943, Subpart A; 7 CFR 1943, Subpart B; 7 CFR 1945, Subpart A; 7 CFR 1945, Subpart C; 7 CFR 1945, Subpart D; 7 CFR 1951, Subpart A; 7 CFR 1951, Subpart S (New)

Legal Deadline: Final, Statutory, June 3, 1988.

Abstract: Final revisions of the provisions to the Agriculture Credit Act of 1987 which was implemented 10/14/88.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/14/88	53 FR 35638
Interim final rule public comment period end	11/14/88	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Avenue, Washington, DC 20250, 202 382-9744

RIN: 0575–AA56

90. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS -- CONGREGATE HOUSING AND GROUP HOMES

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Legal Deadline: None

Abstract: To expand the existing authority for congregate housing and group homes in FmHA Instruction 1944-E.

Timetable:

Action	Date	FR Cite
NPRM	07/17/89	54 FR 29901
NPRM Comment Period End	09/15/89	54 FR 29901
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA58

91. FARM LABOR LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATION

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1930 Subpart C; 7 CFR 1944 Subpart D

Legal Deadline: None

Abstract: Revision to incorporate provisions of Housing and Community Development Act of 1987 (PL 100-242) regarding the definition of "Domestic Farmworker," that determine the eligibility of such farmworkers to occupy housing financed under the Farm Labor Housing Program. Revisions also incorporate provisions of Omnibus McKinney Homeless Assistance Act of 1988 (PL 100-628) to permit other than farmworker occupancy when no demand by such persons.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	54 FR 14822
NPRM Comment Period End	06/12/89	54 FR 14822
Final Action	10/01/89	
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA62

92. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS -- COOPERATIVE HOUSING LOANS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C; 7 CFR 1965 Subpart B; 7 CFR 1924 Subpart A

Legal Deadline: None

Abstract: To include provisions for Cooperative Housing Loans in the Rental Housing Regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21530
NPRM Comment Period End	07/18/89	54 FR 21530
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA63

93. DROUGHT AND DISASTER GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1988 Consolidated Farm and Rural

USDA—FmHA **Final Rule Stage**

Development Act; PL 100-387 Disaster Assistance Act of 1988, Sec 331

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: Sec. 331 of the Disaster Assistance Act of 1988 mandated that the Secretary of Agriculture guarantee loans made by private sector lenders to rural business entities which experienced losses or financial distress as the direct or indirect result of drought, hail, excessive moisture or related condition in 1988. The refinancing of existing loans is specified as an eligible purpose of such guaranteed loans. Farmers Home Administration modified its existing Business and Industrial (B&I) guaranteed loan program to implement the program mandated by the Disaster Assistance Act of 1988, using B&I rules as to eligibility, application, loan making, and loan servicing except where the statute requires otherwise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/89	54 FR 2
Final Action	06/09/90	
Final Action Effective	06/09/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA65

94. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 270

CFR Citation: 7 CFR 1900 Subpart B

Legal Deadline: None

Abstract: The Agency proposes to amend FmHA Instruction 1900-B, "Adverse Decisions and Administrative Appeals," to allow State Directors and Assistant Administrators to request a review of a hearing officer's decision when that decision is based on a clear misinterpretation or error of law or regulations. No other alternatives are considered since this issue was surfaced in an earlier proposed rule but not implemented at that time, pending comments received from this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/11/89	54 FR 20395
NPRM Comment Period End	07/10/89	54 FR 20395
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: Reviewing comments received, as a result of the proposed. Discussing comments with Senior Agency Managers to determine if rule will be implemented or withdrawn.

Agency Contact: Chris Goettlemann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA68

95. ● ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS FMHA INSTRUCTION 1900-B

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 270

CFR Citation: 7 CFR 1900 Subpart B

Legal Deadline: Final, Statutory, July 1, 1987.
The Agency was required to implement the Act within 150 days of f its enactment on January 6, 1988.

Abstract: The Agency proposes to amend FmHA instruction 1900-B, "Adverse Decisions and Administrative Appeals" to provide for multi-party appeal hearings for denials of leaseback/ buyback and homestead protection rights and the sale of suitable farmland to eligible applicants. No other alternatives are available since this action is necessary as a result of Section 611 of the Agricultural Credit Act of 1987, and will be published as an interim rule with comment period.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/02/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettleman, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Department of Agriculture, Farmers Home Administration Room 6348-S, Washington, D.C. 20250, 202 382-9744

RIN: 0575–AA70

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

96. SECTION 504 RURAL HOUSING LOANS AND GRANTS

CFR Citation: 7 CFR 1944, Subpart J (Revision)

Completed:

Reason	Date	FR Cite
Final Action	04/12/89	54 FR 14630
Final Action Effective	05/12/89	54 FR 14631

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA37

USDA—FmHA **Completed Actions**

97. PREDETERMINED AMORTIZATION SCHEDULE SYSTEM (PASS) ACCOUNT SERVICING

CFR Citation: 7 CFR 1951, Subpart K; 7 CFR 1951, Subpart A; 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Completed:

Reason	Date	FR Cite
Withdrawn Internal Administrative change; will not be published	08/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA52

98. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORITIES -- LETTERS OF CREDIT

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Completed:

Reason	Date	FR Cite
Final Action	04/11/89	54 FR 14334
Final Action Effective	05/11/89	54 FR 14334

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA57

99. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED -- SINGLE FAMILY HOUSING

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Completed:

Reason	Date	FR Cite
Final Action	07/06/89	54 FR 28411
Final Action Effective	08/07/89	54 FR 28412

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA61

BILLING CODE 3410-07-T

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Federal Grain Inspection Service (FGIS)

100. ● REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT; REG. REVIEW

Legal Authority: 7 USC 71 to 87

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: Under the requirements of Executive Order 12291 to periodically review all existing regulations, and USDA Departmental Regulation 1512-1 to conduct each such review within a five year timeframe, the Federal Grain Inspection Service will review its General Regulations under the United States Grain Standards Act. To simplify and promote a better understanding of policies and procedures, FGIS will be proposing changes to the regulations. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	
Final Action	11/00/90	
Final Action Effective	12/00/90	
Begin Review	06/00/95	
End Review	08/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis Lebakken, Jr., Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA08

101. ● UNITED STATES STANDARDS FOR SORGHUM

Legal Authority: 7 USC 75a and 76

CFR Citation: 7 CFR 810.1401; 7 CFR 810.1402; 7 CFR 810.1403; 7 CFR 810.1404; 7 CFR 810.1405

Legal Deadline: None

Abstract: Based upon recommendations of the Grain Quality Workshops (which includes representatives from different segments of the industry, government, and academia), and from the National Grain Sorghum Producers Association as well other sources of information, FGIS will propose changes to the sorghum standards. Changes will be proposed to offer end-users the best possible information from which to determine end-product yield and quality, and facilitate the marketing of sorghum. Alternatives will be considered after evaluation of public comments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	06/00/90	
Final Action Effective	06/00/91	
Begin Review	12/00/92	
End Review	01/00/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis Lebakken, Jr., Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA10

102. ● UNITED STATES STANDARDS FOR RICE

Legal Authority: 7 USC 1621 to 1627

CFR Citation: 7 CFR 68.201 to 68.316

Legal Deadline: None

Abstract: Waxy varieties of rice being grown in the United States are being

USDA—FGIS **Proposed Rule Stage**

downgraded under current rice standards because of their chalky characteristic. In the current market for this rice, the chalky characteristic is not a detriment. The Federal Grain Inspection Service will propose establishment of a subclass for this short grain rice to facilitate its marketing. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	05/00/90	
Final Action Effective	06/00/90	
Begin Review	01/00/94	
End Review	03/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis Lebakken, Jr., Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA11

103. ● CANOLA/RAPESEED STANDARDS

Legal Authority: 7 USC 71 to 87; 7 USC 1621 to 1627

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Rapeseed is increasing in importance as an oilseed crop in the United States. The Federal Grain Inspection Service is considering proposing Official United States Standards for Rapeseed. Standards would be to facilitate domestic and international marketing. Alternatives will be considered after receipt of public comments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	
Begin Review	00/00/00	
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis Lebakken, Jr., Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA12

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Final Rule Stage

104. ● SHIPLOT INSPECTION PLAN - CU-SUM

Legal Authority: 7 USC 71 to 87

CFR Citation: 7 CFR 800.86; 7 CFR 800.129; 7 CFR 800.135; 7 CFR 800.139

Legal Deadline: None

Abstract: This final rule of the Federal Grain Inspection Service will amend the regulations under the United States Grain Standards Act to include a revised shiplot inspection plan (Cu-sum) for determining grain quality.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3050
NPRM Comment Period End	05/23/89	54 FR 9054
Final Action	12/00/89	
Final Action Effective	01/00/90	
Begin Review	06/00/95	
End Review	08/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis Lebakken, Jr., Regulatory Contact, Department of Agriculture, Federal Grain Inspection Service, Room 0628-South Building, Box 96454, Washington, DC 20090-6454, 202 475-3428

RIN: 0580–AA09

BILLING CODE 3410-EN-T

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Proposed Rule Stage

105. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during declared disasters. (FNS 86-029)

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	03/01/90	
Final Action	02/01/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA24

106. RULES OF PROCEDURE

Legal Authority: PL 100-435, Sec 603

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.

USDA—FNS **Proposed Rule Stage**

Retroactive for Fiscal Year 1985 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) revised the Food Stamp Act of 1977, as amended, specifying that Food Stamp Program quality control (QC) payment error rate (PER) liability appeals by State agencies be conducted by Administrative Law Judges. The use of Administrative Law Judges replaces the current appeal process which is conducted by the State Food Stamp Appeals Board. This regulation will delineate the procedures to be followed in these QC appeals. (88-011)

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	
NPRM Comment Period End	12/31/89	
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA75

107. MISCELLANEOUS QC PROVISIONS OF HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435, Sec 602; PL 100-435, Sec 604(1)

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Most of the changes are retroactive for Fiscal Year 1985 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) modified the Food Stamp Program quality control (QC) system provisions of the Food Stamp Act of 1977, as amended. Section 602 requires that State agencies be charged interest on unpaid QC payment error rate (PER) liability claims from the date the billing is received by the State agency, unless the State agency appeals the billing. If the State agency appeals, interest will begin to accrue from the date of the appeal decision or 2 years from the date the billing is received by the State agency, whichever is earlier. Section 604 revised the provisions for paying State agencies enhanced administrative funds for low PERs. It also revises the threshold for State agencies' liabilities for excessive payment error rates. Finally, it provides that PER liability claims will be assessed based on a State agency's total allotments issued, rather than as a percentage of administrative costs. (89-001)

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	
NPRM Comment Period End	12/31/89	
Final Action	04/30/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA76

108. ● SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD DELIVERY SYSTEMS

Significance: Agency Priority

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: The proposed food delivery regulations will strengthen and improve vendor management and food instrument accountability. Vendor management areas addressed include: selection,training, high-risk identification and monitoring, sanctions, and appeals. Among the additional areas covered are: dual participation, food instrument reconciliation, and food instrument security. The proposed changes are being made in response to a recent audit by the Office of the Inspector General, and program deficiencies identified through management evaluations and ongoing contact with State agencies. This regulation will control potential program vendor and participant abuse and result in more efficient use of program funds.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	
NPRM Comment Period End	12/31/89	
Final Action Effective	02/28/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: None

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA80

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS) **Final Rule Stage**

109. FOOD DISTRIBUTION PROGRAM - PART 250

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and

Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Interim Final Rule	06/03/88	53 FR 20416
Final Action	06/30/90	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA07

110. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both programs' rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	09/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA52

111. ADMINISTRATION/ MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs 1524, 1530, 1526, 1535, 1539

CFR Citation: 7 CFR 272.1; 7 CFR 272.2; 7 CFR 272.4; 7 CFR 272.5; 7 CFR 272.10; 7 CFR 272.12; 7 CFR 273.9; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: NPRM, Statutory, April 1, 1987.

Abstract: This regulation implements the following provisions of the Food Security Act of 1985: (1) periodic review of food stamp office hours of operation; (2) establishment and operation of fraud detection units in project areas with 5,000 or more participating households; (3) use of other means of collecting fraud claims unless those means are not cost effective; (4) collection of fraud claims from unemployment compensation benefits; (5) use of Quality Control data to identify project areas where excessive error rates impair program integrity; and (6) distribution of Expanded Food and Nutrition Education Program information and materials to food stamp recipients.

Timetable:

Action	Date	FR Cite
NPRM	03/09/87	52 FR 7158
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA63

112. EMPLOYMENT AND TRAINING REQUIREMENTS TECHNICAL CORRECTIONS PROPOSED RULE

Significance: Regulatory Program

Legal Authority: The Food Stamp Act of 1977, as amended; 7 USC 2011 to 2029

CFR Citation: 7 CFR 273.1; 7 CFR 273.7

Legal Deadline: None

Abstract: The proposed rule will clarify several aspects of the Food Stamp Program Employment and Training Rule published December 31, 1986, and will accomplish minor corrections in other portions of this rule. The clarifications and corrections are the result of program experience gained through the initial operations of a program component entirely new to the Food Stamp Program as a whole.

The Department is concerned that current regulations may be inequitable to State by mandating that they use the full October 1988 count of mandatory E&T participants in computing the base on which the Fiscal Year 1989 first reporting period 35 percent E&T placement standard will be applied. This procedure inflates State placement obligations for this period and makes it difficult for them to meet these obligations. The Department is also concerned that current regulations permit States agencies some latitude in counting individuals as "placed" in E&T programs for performance measurement purposes. This results in individuals being counted as "placed" in E&T programs more than once and inflates State placement success rates. This proposed rule implements (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23638
NPRM Comment Period End	08/22/88	
Final Action	10/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

USDA—FNS **Final Rule Stage**

Additional Information: ABSTRACT CONT: Departmental action to correct these inequities together with other minor alterations and clarifications. (87-012)

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Park Office Center, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA72

113. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Significance: Regulatory Program

Legal Authority: PL 99-603; Immigration Reform and Control Act (IRCA) of 1986 (Section 121)

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: Other, Statutory, October 1, 1988.
Deadline for interim final rule

Abstract: This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the Immigration and Naturalization Service (INS) implemented this system. IRCA requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. Such use is mandatory by October 1, 1988, and this addresses use during that period. The rule also provides guidelines for Federal reimbursement of administrative costs. In addition the rule implements nondiscretionary provisions of IRCA requiring all household members to attest to their citizenship or alien status and certain requirements relating to documentation of alien status. (87-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/88	53 FR 39433
Final Action	10/01/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, Virginia 22302, **703 756-3064**

RIN: 0584–AA73

114. CHILD CARE FOOD PROGRAM - ADULT DAY CARE PROVISION

Significance: Agency Priority

Legal Authority: 42 USC 1758; 42 USC 1759a; 42 USC 1762a; 42 USC 1765; 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: The rule amends the Child Care Food Program (CCFP) regulations by providing Program eligibility for certain adult day care centers. It implements a provision of the Older Americans Act (OAA) Amendments of 1987, which allows these centers to receive cash and commodity assistance available under the CCFP for meals served to eligible enrolled individuals and a provision of the Rural Development, Agriculture and Related Agencies Appropriations Act of 1989, which provides categorical eligibility for free meals for participants of these centers who receive assistance under Title XVI or XIX in the Social Security Act or are members of a household receiving assistance under the Food Stamp Act and defines the income to be included in determining eligibility for free and reduced-price meal benefits. (FNS 88-502)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/88	53 FR 52584
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, Room 803, Park Office Center, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA74

115. ● EMPLOYMENT AND TRAINING REQUIREMENTS - NONDISCRETIONARY PROVISIONS FROM THE HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Other, Statutory. Sec. 404(c) of PL 100-435 is effective July 1, 1989. The Remaining provisions are effective October 1, 1988.

Abstract: This interim rule amends Food Stamp Program regulations to implement certain provisions of the Hunger Prevention Act of 1988, Public Law 100-435, 102 Stat.1645 (1988). These provisions are intended to improve the operation of the Food Stamp Employment and Training (E&T) Program by: (1) a clarification that educational programs or activities to improve basic skills or employability are allowable food stamp E&T activities; (2) the establishment of a conciliation procedure to resolve disputes involving participation in the E&T Program; (3) increasing the reimbursement for dependent care costs under the E&T Program to up to $160 per dependent per month; (4) the exclusion of any payment made to and E&T participant for work related expenses or for dependent care from consideration as income under the Food Stamp Program; (5) a clarification that Federal funds made available to a State agency for an educational component cannot be used to supplant non-Federal funds for existing services and activities that promote the purposes of that component;(cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/10/89	
Final Action	10/01/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: and (6) the extension of the current performance standards for the placement of E&T participants beyond Fiscal Year 1990 until new performance standards can be developed and issued in accordance with the provisions of Public Law 100-435.

USDA—FNS **Final Rule Stage**

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA79

116. ● AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES: CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Significance: Agency Priority

Legal Authority: PL 96-249, Sec 129; PL 99-198, Sec 11

CFR Citation: 7 CFR 227.18; 7 CFR 227 Appendix A

Legal Deadline: None

Abstract: This action amends the Food Stamp Program (FSP) regulations by changing the requirements and conditions under which State and local governments may request and claim Federal funds for the costs associated with the planning, design, development acquisition or installation of automated data processing (ADP) equipment and services in FSP administration.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29858
NPRM Comment Period End	10/07/88	53 FR 29858
Final Action	12/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Sarah H. Ide, Confidential Assistant to the Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 803, Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA81

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

117. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

CFR Citation: 7 CFR 253

Completed:

Reason	Date	FR Cite
Withdrawn	08/15/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584–AA09

BILLING CODE 3410-30-T

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Prerule Stage

118. ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF PRODUCTS INTO THE UNITED STATES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: FSIS will review the import eligibility provisions of regulations promulgated under the Federal Meat Inspection Act and Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. Charles Danner, Jr., Director, Planning Office, PP, Department of Agriculture, Food Safety and Inspection Service, Room 105-Annex Bldg., Washington, DC 20250, **202 447-3317**

RIN: 0583–AA55

119. ● PRODUCTION OF CERTAIN MINIMALLY PROCESSED, UNCURED, PERISHABLE PRODUCTS PACKED IN SEALED CONTAINERS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 381

Legal Deadline: None

Abstract: This advanced notice of proposed rulemaking would request information, scientific data and comments from the public regarding the need for new requirements governing the production of certain minimally processed, uncured, perishable meat and poultry products that are packed in sealed containers bearing a "Perishable, Keep Refrigerated," or similar label statement. Examples of such products include, but are not limited to, soups, sauces, pastas, salads, and entrees.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 2158, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, **202 447-3840**

RIN: 0583–AB14

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

120. REQUIREMENTS FOR PARTIALLY DEFATTED MEAT PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
Extension of Comment Period	11/21/85	50 FR 4897
ANPRM Comment Period End	01/21/86	
Comment Period End	01/26/86	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA27

121. CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: Would permit an official meat or poultry establishment that has voluntarily developed effective microbiological controls for fresh packaged meat or poultry products to submit plans and records of such control systems to FSIS for approval. If the Administrator determines a control system to be adequate for the purpose of minimizing naturally occurring microbiological contaminations, he will approve the system, and the establishment will be permitted to use special labeling that acknowledges the use of an approved control system.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	
NPRM Comment Period End	12/05/89	
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: W. H. Dubbert, Assistant Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 401-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583–AA28

122. VOLUNTARY RESIDUE CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 323; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to aid in the control and reduction of residues of drugs, pesticides and other chemicals in meat and poultry products, and permit label claims to appear on meat and poultry products subject to USDA's ability to verify such claims concerning how an animal was raised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Science Division, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583–AA29

123. SULFONAMIDE RESIDUES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard A. Carnevale, Assistant Deputy Administrator Science, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA31

124. USE OF LACTIC ACID AND ACETIC ACID AS ANTI-MICROBIAL AGENTS ON MEAT AND POULTRY CARCASSES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend Federal meat and poultry products inspection regulations by allowing lactic acid and acetic acid to be applied to meat and poultry carcasses for the purpose of reducing microbial contamination.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, **202 447-6042**

RIN: 0583–AA43

125. USE AND PROTECTION OF APPROVED WATER SYSTEMS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 42 USC 3007 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would prescribe acceptable conditions for the reuse of water in official establishments. This rule would outline methods protecting the potable water supply and describe conditions of use of fresh water. In addition, the rule would also consolidate and make uniform pre-existing policies for the use and reuse of water and brine.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment, and Sanitation Div., Department of Agriculture, Food Safety and Inspection Service, Room 1175 South Bldg., Washington, DC 20250, **202 447-5627**

RIN: 0583–AA54

126. CERTAIN PRODUCTS WITH MEAT INGREDIENTS – EXEMPTIONS FROM DEFINITION OF A "MEAT FOOD PRODUCT"

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 301; 9 CFR 303

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to exclude specific products and classes of products containing meat, meat byproducts, and/or meat food products from the definition "meat food product" and thereby would exempt these products from Federal inspection. The proposal identifies two broad conditions for exemption: (1) products containing 3 percent or less of raw meat or other portion of any carcass, or less than 2 percent of cooked meat or other portion of any carcass, and (2) products that historically have not been considered by consumers as products of the meat food industry. This proposal would replace current informal standards for exemptions with formal, codified exemptions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 311 - Annex Bldg., Washington, DC 20250, **202 447-6042**

RIN: 0583–AA62

127. ADDITIONAL TRICHINA DETECTION METHODS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the regulations to permit use of an approved method for examining swine for evidence of trichinosis. The Food Safety and Inspection Service (FSIS) has been petitioned by a manufacturer of serological tests to amend the Federal meat inspection regulations to approve the use of immunoassays for the examination of swine for evidence of trichinosis infection. FSIS has reviewed the performance of the petitioner's assay in a laboratory where sera prepared by the Agency were tested by a precisely defined procedure and has concluded that immunoassays can effectively detect evidence of trichinosis in swine.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 311 - Annex Bldg., Washington, DC 20250, **202 447-6042**

RIN: 0583–AA67

128. USE OF SODIUM LACTATE AND POTASSIUM LACTATE AS FLAVOR ENHANCERS IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavoring agents and flavor enhancers in various meat and poultry products. FSIS has been petitioned by Oscar Mayer Foods Corporation, Madison, Wisconsin, and Shenandoah Products, Inc., Bridgewater, Virginia, to allow the use of these substances at a 2.0 percent level for use in preparation of meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, **202 447-6042**

RIN: 0583–AA75

129. INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation, Ames, Iowa, to approve an increased use level of this substance as an

USDA—FSIS **Proposed Rule Stage**

anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA76

130. REQUIREMENTS FOR THE PRODUCTION OF FERMENTED SAUSAGE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to establish specific requirements concerning processing procedures used in the production of semi-dry and dry fermented sausages. Currently, the Agency has only general requirements concerning the processing procedures for these products. This proposal will provide that a manufacturer of semi-dry and/or dry fermented sausages use either a model good manufacturing practice (GMP) procedure with specified or described critical control points, process control limits, and monitoring activities; or an approved processing procedure from a processing authority who would define the critical control points, process control limits, and monitoring activities for each processing procedure. In addition, the proposal requires that all processes for semi-dry and/or dry fermented sausages comply with a set of validation criteria to assure the product is not adulterated. The proposed rule provides the necessary processing requirements to assure that the production of fermented meat food products does not result in adulterated products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA77

131. USE OF VARIOUS BINDERS IN CURED PORK PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of food starch modified and other binders as water retention agents in cured pork products. FSIS has been petitioned by the Corn Refiners Association, Inc., Washington, DC, for the approval of food starch modified at a rate not to exceed 2 percent to enable ham processors to formulate products which will better meet the needs of consumers and food service operators. FSIS is amending the regulations to add this binder to the table of approved substances as requested by the petitioner. FSIS is also amending the regulations to add several other binders for use as water retention agents in cured pork products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA78

132. USE OF SORBITOL AS A FLAVORING AGENT IN SPECIFIC MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS has been petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA79

133. SODIUM/POTASSIUM LACTATE AS ANTIMICROBIAL AGENTS IN SPECIFIC MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as antimicrobial agents in cooked meat and poultry products, and would provide for additional protection against the growth and toxin development of Clostridia botulinum in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not to exceed 4.8 percent of the formulation.

USDA—FSIS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Divison, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA83

134. LACTIC ACID STARTERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of lactic acid producing bacteria as a temperature abuse indicator in hermetically sealed meat food and poultry products that are sold refrigerated or frozen. The use of lactic acid producing bacteria in these products would inhibit the growth and toxin production by Clostridia botulinum, as well as impart flavors to the product in the event of temperature abuse during distribution and storage of the product.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	
NPRM Comment Period End	02/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA86

135. AUTOMATIC EXPIRATION SYSTEM FOR APPROVED LABELS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to define a system whereby industry labels will have an automatic expiration date upon approval. The purpose of this action will be to prevent approved labels that are no longer in use from remaining in the data base unnecessarily. This will benefit both the public and the agency by improving our responsiveness to label inquiries and enforcement of changes in labeling regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA87

136. CROSS-CONTAMINATION PREVENTION FOR ALL HEAT PROCESSED MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to extend the current cross-contamination preventive requirements for cooked beef, roast beef and cooked corned beef, to all types of heat processed meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	
NPRM Comment Period End	02/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark T. Mina, Acting Asst. Deputy Admin., Regional Operations, MPIO, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4565

RIN: 0583–AA88

137. USE OF TOCOPHEROLS, ASCORBYL PALMITATE AND CITRIC ACID AS ANTIOXIDANTS IN ADDITIONAL PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of tocopherols, ascorbyl palmitate and citric acid as antioxidants in various products. FSIS has been petitioned by the Diamond Crystal Salt Company, Inc., St. Clair, Michigan, to approve the use of these substances in meat and poultry products at higher levels than 0.02 percent.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA89

138. LABELING OF FRANKFURTERS AND SIMILAR PRODUCTS CONTAINING BINDERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to remove labeling requirements and use limitations required for certain binders in sausage, breakfast sausage, frankfurters, cheesefurters, bockwurst, similar products, and poultry rolls. This

proposed rule would also request information from interested persons as to whether granting the petition would result in false or misleading labeling or permit the use of binders in excess of what is needed to "bind" the products.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/88	53 FR 32247
ANPRM Comment Period End	09/23/88	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA92

139. SUBSTANCES APPROVED FOR USE IN MEAT PRODUCTS -- REVISION OF LISTINGS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to reorganize the table of approved substances in an alphabetical order by the substance name rather than by class of substance, to include substance approvals not listed as well as amend individual product standards, and separate those substances approved for use as processing aids into a second chart. This proposed rule will assist the user in locating a substance more quickly and provide more consistency in using the table, update the regulations to reflect existing policies and current industry practices, and provide clarity to the chart of substances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA93

140. IMPORTED PRODUCT; MOVEMENT PRIOR TO REINSPECTION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by restricting the movement of imported product to within one of five geographical port areas where the product is unloaded. FSIS is also proposing to amend the regulations to require that such imported product be transported directly to an import inspection establishment from the place that the product is unloaded and that such product be reinspected within 30 days of its arrival in the United States. These actions are expected to increase FSIS's ability to gain and maintain control over imported meat and poultry products prior to their reinspection by FSIS.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-2952

RIN: 0583–AA94

141. REVISION OF REQUIREMENTS FOR FINISHED PRODUCT INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit early shipment of shelf-stable products subject to incubation and to reduce the sampling frequency for product processed in continuous-type processing systems. There actions are a result of petitions submitted by the National Food Processors Association, Washington, DC.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3840

RIN: 0583–AA95

142. REVIEW OF RETAIL STORE INSPECTION EXEMPTIONS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 303; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to remove all provisions relating to sales of retail-prepared products to hotels, restaurants, and institutions, but allow unlimited resale of federally inspected product that has not undergone further processing; redefine "consumer" as a household consumer only; limit retail store operations to specific processes and products associated with minimal health risks; remove restrictions on the quantity of sales to consumers; allow unlimited product distribution by a retail store to other retail stores of the same ownership; require that distribution of products be made by employees of the retail store without any intervening transfer or storage of such products; and require that an exempted retail area be physically separated from an official establishment or, if within the confines of an official establishment, the retail area shall be separated completely from the official establishment by full height floor-to-ceiling walls. A task force

reviewed the exemption provisions of the Federal Meat and Poultry Products Inspection Acts as a result of a District Court (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/21/88	53 FR 27525
ANPRM Comment Period End	09/19/88	
Extension of Comment Period	09/19/88	53 FR 36334
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: decision and as requested by certain members of the industry. This review also included examination of longstanding "two-stores" policy which allows an exemption from Federal inspection requirements for any retail operator that owns only two retail stores and prepares meat and/or poultry products at one of its retail stores for sale to consumers in normal retail quantities at both stores.

Agency Contact: Robert Gonter, Assistant Deputy Administrator, Compliance Program, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-4293

RIN: 0583–AA96

143. PROCESSING REQUIREMENTS FOR DRIED READY-TO-EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to require establishments to treat certain dried, ready-to-eat meat and poultry products to eliminate microbial contamination. Past food-poisoning outbreaks from dried meat products confirm that present processing requirements do not assure that the finished product is free from contamination by salmonellae. Treatment would assure the destruction of infectious disease bacteria, such as Salmonella, often present on the raw ingredients. The proposed rule would cover all dried ready-to-eat meat and poultry products except fermented sausages and dry cured hams and pork shoulders treated by one of the processing methods in section 318.10(c)(3) (ii), (iii), or (iv) of the Federal meat inspection regulations. The required treatment would either be a lethal heating step, a combination curing and heating process, or an alternate processing method which establishments have shown to be effective. The proposed rule would also contain provisions to prevent contamination of treated product by direct or indirect contact with untreated product.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA97

144. ANTE-MORTEM INSPECTION OF DISABLED ANIMALS ON TRANSPORT VEHICLES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit an alternate method of ante-mortem inspection of disabled animals. This method would allow a transport vehicle to be an extension of an official establishment's premises for purposes of ante-mortem inspection of disabled animal(s) that are within the vehicle. FSIS received a request from the Western States Meat Association, Oakland, California, to allow ante-mortem inspection of disabled animals to be performed on a transport vehicle. This proposed rule would (1) specify establishment responsibilities for maintaining control over the transport vehicle, for providing proper ante-mortem inspection facilities, for complying with the veterinary disposition, and for providing assistance to the veterinary Medical Officer when performing the ante-mortem inspection; (2) prescribe the facility requirements needed for safe ante-mortem inspection of disabled animals; and (3) provide the requirements for the written request for this inspection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards and Procedures Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3219

RIN: 0583–AA98

145. JAR CLOSURE REQUIREMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to revoke the requirements for vacuum packaged meat and poultry products in glass containers. FSIS was petitioned by the National Food Processors Association, Washington, DC, to revoke jar closure regulations that are no longer necessary to prevent contamination of products packed in glass containers. This action would be consistent with the requirements of the Food and Drug Administration for nonmeat products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue,

SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AB00

146. EXEMPTION FROM "EQUAL TO" REQUIREMENTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide administrative procedures whereby a foreign country may petition FSIS to be exempted from certain specified inspection requirements. FSIS has received several requests for exemption from specific regulations and procedures to assure that the foreign inspection program will maintain its eligibility to export product to the United States. Present meat and poultry products inspection regulations do not contain a procedure that advises how such requests should be made. Exemption requests are received in various forms and with a variety of information included, and as a result unnecessary time and effort is expended to develop an exemption request in the proper form for consideration. This action will provide a procedure for the submission of exemption requests from countries exporting product to the United States and to permit a timely Agency response.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3473

RIN: 0583–AB01

147. FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe (GRAS) substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy and Planning, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-6525

RIN: 0583–AB02

148. STREAMLINED INSPECTION SYSTEMS WITH CARCASS AND GIBLET FINISHED PRODUCT STANDARDS (POULTRY)

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to merge the requirements for the new turkey inspection system, new line speed inspection system, streamlined inspection system and traditional inspection into two mandatory methods to be known as streamlined inspection system-poultry and streamlined inspection system/partial quality control-poultry. The finished product standards for carcasses and giblets would be amended to include all classes of poultry. This proposal would describe the facility requirements necessary to implement this new system nationally, and would establish national presentation standards and line speeds for each class of poultry.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol Seymour, Deputy Administrator, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-3521

RIN: 0583–AB03

149. EXPORT CERTIFICATION PROCEDURES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 322

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to provide export certification of all meat and poultry products exported to foreign countries. Domestic inspectors certify that the product is USDA inspected and passed, and that all foreign requirements have been met. In 1988, the Agency conducted a pilot test to determine the feasibility of streamlining export certification procedures by centralizing control; utilizing contemporary communications technology; establishing plant review criteria; and modifying stamping requirements. The export certification project, of which the pilot was a part, will continue in 1989. FSIS will review the current regulations and determine what, if any, changes should be considered from the outcome of this project.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Fetzner, Director, Export Coordination Division,

International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-9051

RIN: 0583–AB04

150. ● ADDITIONAL SUBSTANCES FOR USE IN THE PREPARATION OF MEAT AND/OR POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium octyl sulfate, potassium hydroxide, sodium 2-ethylhexyl sulfate, sodium acid pyrophosphate, urea, carboxylmethylcellulose, sodium metasilicate, and triethanolamine docecylbenzene sulfate in the preparation of meat and/or poultry products. FSIS received petitions from Packer's Chemical Company, Jefferson City, MO; Unytex Research Corporation, Rochester, NY; Birko Corporation, Westminister, CO; and Middle East/African Press (Chemica Industriale, Italy), to allow the use of those substances not presently covered for use during hog scalding, poultry scalding, or in tripe processing operations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marvin A. Norcross, Deputy Administrator, Science, Department of Agriculture, Food Safety and Inspection Service, Room 402, Annex Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-6495

RIN: 0583–AB07

151. ● PEST CONTROL IN OFFICIAL ESTABLISHMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide consistency of existing provisions and ensure enforceability of the requirements for controlling pests such as flies, rodents, insects, and vermin in official establishments. In the past, establishments used pesticides as the primary means of controlling pests. Presently, establishments rely on the use of primary controls to prevent pests from entering an establishment; that is, they use such techniques as preventive construction, maintenance and sanitation. This action would also provide uniform requirements for both meat and poultry products regarding the use of the words "pesticides" and "poison," and the use of other chemical compounds as a means for eliminating or controlling pests in official establishments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Karen Wesson, Director, Facilities, Equipment and Sanitation Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, Room 1175, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-5627

RIN: 0583–AB08

152. ● USE OF TRICALCIUM PHOSPHATE AS A SEQUESTRANT IN MECHANICALLY DEBONED CHICKEN

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to allow the use of tricalcium phosphate as a sequestrant in the preparation of mechanically deboned poultry. This action is the result of a petition FSIS received from Henningsen Foods, Inc., Omaha, NE, to permit the use of tricalcium phosphate to sequester the iron in hemoglobin in mechanically deboned poultry.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland L. Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 311, Annex Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-6042

RIN: 0583–AB09

153. ● PROCEDURES FOR NOTICE OF DETENTION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 329; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to issue new procedures for preparing and processing the Agency's "Preliminary Notice of Detention" Form MP-479 and to revise the form numbers for the detention tags and reports. Currently, upon detention of any article, FSIS provides oral notification and a Preliminary Notice to the owner of the detained article. Preliminary notice would be eliminated but, if the detention is to continue after 48 hours, written notification would be furnished to the owner in the form of a completed "Notice of Detention," FSIS Form 8080-1 (MP-484).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Gonter, Assistant Deputy Administrator, Compliance Program, MPIO, Department of Agriculture, Food Safety and Inspection Service, Room 2925, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-4293

RIN: 0583–AB10

USDA—FSIS

Proposed Rule Stage

154. ● UNDENUDED BEEF STOMACHS; FINISHED PRODUCT STANDARDS, AND MANUFACTURING AND INSPECTION PROCEDURES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to include finished product standards and manufacturing and inspection procedures for unscalded beef stomachs. This action responds to several requests by meat processing companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Jill Hollingsworth, Director, Slaughter Inspection, Standards and Procedures Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 4442, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3219

RIN: 0583–AB11

155. ● LABELING REQUIREMENTS FOR PACKAGED PRODUCTS WHICH REQUIRE SPECIAL HANDLING TO MAINTAIN THEIR WHOLESOME CONDITION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to promote consistent labeling requirements within the meat and poultry industry. This action would establish a uniform, standardized label statement and logo system for packaged products that could pose a safety hazard if subjected to temperature abuse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards & Labeling Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, Room 311, Annex Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-6042

RIN: 0583–AB12

156. ● USE OF COMPRESSED AIR IN BONING OPERATIONS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310; 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of compressed air or other gases such as nitrogen and carbon dioxide in boning operations as requested by several establishments. Tests indicate that this would facilitate the separation of muscle tissue from the fat tissue and bone of carcasses and parts without affecting the wholesomeness of the product.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol Seymour, Deputy Administrator, Technical Services, Department of Agriculture, Food Safety and Inspection Service, Room 350-E, Administration Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3521

RIN: 0583–AB13

157. ● USE OF ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM CITRATE, AND SODIUM ASCORBATE IN FRESH BEEF AND LAMB

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit the use of ascorbic acid, erythorbic acid, citric acid, sodium citrate, and sodium ascorbate, to maintain the color in fresh beef and lamb. FSIS received a petition from Wilson Foods Corporation, Oklahoma City, OK, to allow the use of these substances in all red meat.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Room 311, Annex Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-6042

RIN: 0583–AB15

158. ● IMPORTED PRODUCT; WITHDRAWAL OF PANAMA FROM THE LIST OF COUNTRIES ELIGIBLE FOR IMPORTATION OF MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to withdraw the country of Panama from the list of countries eligible to import meat products such as cattle, sheep, swine, and goats into the United States. This action is necessary since Panama did not certify that any plants met U.S. standards in 1988; it has not conducted any residue testing and therefore did not receive residue certification in 1988, and reliance cannot be placed upon the certifications required of Panamanian authorities under the Federal Meat Inspection Act. Therefore, Panama's inspection system cannot be considered "equal to" the U.S. inspection system and FSIS is obliged to withdraw the country of Panama from the list of countries eligible for importation of its products into the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/29/89	54 FR 35665
NPRM Comment Period End	10/30/89	
Final Action	04/30/90	

Small Entities Affected: Undetermined

USDA—FSIS **Proposed Rule Stage**

Government Levels Affected: Undetermined

Agency Contact: Dr. Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 0038, South Building, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-6933

RIN: 0583–AB16

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

***Final Rule Stage**

159. DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None

Abstract: Would publish protocols for determining compliance of meat food products with current added water standards. Would differentiate in such products protein derived from meat and meat byproducts from protein derived from other sources. Would ensure that similar, competing ingredients for cooked sausages are treated consistently.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 39659
NPRM Comment Period End	12/22/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA30

160. CATTLE POST-MORTEM INSPECTION PROCEDURES AND STAFFING PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None

Abstract: This rule will improve post-mortem inspection procedures for cattle which will result in maximum inspection efficiency and increased productivity. By modernizing cattle inspection procedures, FSIS would increase its inspection productivity while assuring that only wholesome meat enters domestic commerce.

It is anticipated that the meat industry will experience a net gain if this system of inspection is implemented in spite of the initial costs of facility modifications which may be necessary in some establishments. Savings to the industry as a whole should occur because of increased productivity and reduced overtime.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48262
NPRM Comment Period End	01/30/89	
Reopening of Comment Period	02/14/89	54 FR 6684
Comment Period End	05/15/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444 South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA32

161. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID, AND CALCIUM LACTATE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule will permit the use of a binder complex approved for use in restructured meat products to be used in restructured poultry products in which binders are permitted, and will result in superior binding of chopped/ground/sectioned and formed poultry products.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1377
NPRM Comment Period End	02/13/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA34

162. INGREDIENTS THAT MAY BE IDENTIFIED AS FLAVORS OR NATURAL FLAVORS WHEN USED IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to better define which substances should be permitted to be labeled as "flavors," "natural flavors," or "spices" on packages of meat and poultry products. This rule addresses the use of substances which are often added to products for the purpose of serving as flavor enhancers, emulsifiers, stabilizers, binders, extenders, and as nutrients. Most of the substances that would be affected by the proposed rule are proteinaceous materials, having nutritional value, and which may be considered foods, in their own right. This rule will require that these substances be identified by their common or usual names, thereby informing consumers of the origin of these materials including the species and specific animal tissues from which they are derived, if animal in origin. The rule is designed in part to address the personal, cultural, and religious

USDA—FSIS **Final Rule Stage**

concerns of consumers, as well as the allergies or sensitivities some consumers may have to some of the substances.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30922
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA44

163. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will respond to amendments made to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat products to the United States. The amendments also provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/20/88	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 0038, South Building, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6933

RIN: 0583–AA47

164. TRICHINA CONTROL REQUIREMENTS FOR DRY-CURED HAM

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by incorporating the dry-cured ham research study findings. This study evaluated the efficiency of present procedures in the commercial production of dry-cured hams and determined the combinations of curing time, temperature, salt concentration, and water activity necessary to inactivate t. spiralis.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 15946
NPRM Comment Period End	06/19/89	
Extension of Comment Period	06/19/89	54 FR 25728
Comment Period End	08/18/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA49

165. ● REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

Significance: Agency Priority

Legal Authority: PL 99-198

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will respond to an amendment made to the Poultry Products Inspection Act by Food Security Act of 1985. Amendment requires that all poultry or poultry products intended for export to the United States be subject to the same standards as domestic poultry products; it also requires that foreign countries implement species and residue testing programs at the point of slaughter for poultry and poultry products intended for export to the United States.

Timetable:

Action	Date	FR Cite
NPRM	05/01/87	52 FR 15960
NPRM Comment Period End	08/30/87	
Final Action	11/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Havlik, Assistant Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, Rm. 341-E Administration Bldg., 14th & Independence Ave., SW, Washington, DC 20250, 202 447-2644

RIN: 0583–AA52

166. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; CERTIFICATION REQUIREMENTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule will require specific certification language, advise certifying parties of the consequences of false statements, and include custodians as well as producers as parties to certification. These changes will improve the effectiveness of the voluntary certifications by providing uniformity to certifications and warnings about false statements. Because of increasing high levels of antibiotic and sulfonamide residues found in young veal calves, the Food Safety and Inspection Service in 1984 initiated intensified inplant testing procedures to prevent adulterated meat from entering consumer channels. These procedures provide for a voluntary written certification program that allows for less intense testing of calves certified as not having been treated with drugs, or if so, that prescribed label directions were followed. More recently the Office of the Inspector General recommended that the Agency develop a standard form for the certified calf program.

USDA—FSIS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52177
NPRM Comment Period End	02/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA58

167. USE OF CERTAIN BINDERS IN MEAT AND POULTRY PRODUCTS AND TRANSFER OF BINDERS IN TEXT TO THE TABLES OF APPROVED SUBSTANCES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This rule will permit the use of wheat gluten, tapioca dextrin, whey protein concentrate, and sodium caseinate as binders in various meat and poultry products. This action responds to petitions submitted by several companies requesting that the Food Safety and Inspection Service permit these substances in various meat and poultry products to improve the texture of the products.

Timetable:

Action	Date	FR Cite
NPRM	10/06/88	53 FR 39307
NPRM Comment Period End	11/07/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-6042

RIN: 0583–AA64

168. IMMERSION CURED AND DRY CURED BACON

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This rule will limit nitrate to 120 parts per million (ppm) going into immersion cured bacon bellies and to 200 ppm going into dry cured bacon bellies. The principal effect of this rule would be to reduce the formation of nitrosamines in bacon by prohibiting the use of nitrate in the production of immersion cured and dry cured bacon.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1371
NPRM Comment Period End	03/14/89	
Final Action	11/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, Department of Agriculture, Food Safety and Inspection Service, Rm. 2158 South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA65

169. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; REDUCED TESTING

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to modify the testing frequency of young veal calves under certain conditions for residues of sulfonamides and antibiotics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/87	52 FR 2101
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-2807

RIN: 0583–AA68

170. NET WEIGHT

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This rule will make Federal and State weights and measures procedures and techniques more consistent, objective and equitable. USDA will adopt the National Bureau of Standards Handbooks 133 and 44 as its standards. This amendment will recognize a fixed amount of acceptable moisture loss by product. This will replace the term "reasonable variation." Moreover the amendment will grant concurrent jurisdiction to State and local authorities to enforce net weight labeling of federally inspected meat and poultry products within their geographic area. The amendment will promote uniform treatment of moisture loss and weights and measures standards as well as encourage and enable greater State and local participation.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9370
NPRM Comment Period End	05/05/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carol Seymour, Deputy Administrator, Meat & Poultry Inspection Technical Services, Department of Agriculture, Food Safety and Inspection Service, Rm. 350-E, Administration Bldg., Washington, DC 20250, 202 447-3521

RIN: 0583–AA69

171. LABELING OF MEAT FOOD PRODUCTS THAT CONTAIN MECHANICALLY SEPARATED (SPECIES) UNDER CERTAIN CIRCUMSTANCES

Significance: Agency Priority

USDA—FSIS **Final Rule Stage**

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317

Legal Deadline: None

Abstract: This rule will add a new exception to the requirement that the list of ingredients on the labels of meat food products shall show the common or usual names of the ingredients. The exception would apply to the use of Mechanically Separated (Species) (MS(S)), at levels no greater than ten percent of the livestock and poultry product portion of a meat food product, providing that the labeling of such product bear a calcium content declaration in accordance with section 317.2(j)(13)(ii) of the Federal meat inspection regulations (9 CFR 317.2(j)(13) (ii)). This action is the result of a petition submitted to the Food Safety and Inspection Service by several members of the meat industry to amend the labeling requirements for meat food products containing MS(S).

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35089
NPRM Comment Period End	11/08/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-6042

RIN: 0583–AA71

172. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID AND CALCIUM LACTATE IN GROUND AND FORMED POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This final rule will amend the poultry products inspection regulations to permit the use of a binder matrix in ground and formed poultry products. The matrix consists of a dry mixture of sodium alginate, calcium carbonate, calcium lactate and lactic acid and has been previously approved for use in meat products. FSIS has been petitioned by the Colorado State University Research Foundation, Fort Collins, Colorado, to approve these substances as ingredients which, in combination at specific ratios, have the technical effect of binding ground poultry pieces together to produce formed poultry products. FSIS is amending the regulations to add these substances to the table of approved substances as requested by the petitioner.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1377
NPRM Comment Period End	02/13/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA73

173. PROCESSING PROCEDURES AND COOKING INSTRUCTIONS FOR COOKED, UNCURED MEAT PATTIES

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This rule will provide processors of fully and partially cooked, and char-marked, uncured meat patties with specific manufacturing, handling, and labeling requirements for these products to reduce the potential for incidents of food-borne, pathogen-caused illness from consumption of inadequately cooked, uncured meat patties. This rule will also establish (1) holding temperature and time requirements for raw meat used for cooked, uncured meat patties; (2) internal temperature and time combination processing requirements for fully and partially-cooked, uncured meat patties which are char-marked with heat but remain raw; (3) a requirement that a cooking instruction be placed on the label of partially-cooked and char-marked, uncured patties, instructing the final preparer to cook the patties to a well done state (a minimum internal meat temperature of 160 degrees Fahrenheit); and (4) requirements to assure that fully-cooked, uncured meat patties are not contaminated after cooking. This action will prevent instances of illness from the consumption of such patties.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52179
NPRM Comment Period End	01/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA81

174. PARTIALLY COOKED, CURED AND SMOKED POULTRY BREAKFAST STRIPS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit preparation of partially cooked, cured and smoked poultry breakfast strip products which are intended to be cooked further before consumption. This action is in response to a petition submitted by Swift Eckrich, Inc., Oak Brook, Illinois, for a change in the requirements for cooked poultry products. FSIS will amend the regulations to require that the products be labeled with cooking instructions which will inform the consumer that the products are not suitable for consumption until thoroughly cooked.

Timetable:

Action	Date	FR Cite
NPRM	03/24/89	54 FR 12219
NPRM Comment Period End	05/23/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling

Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA82

175. PFF FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This rule will replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7434
NPRM Comment Period End	04/18/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA84

176. IMPORTATION OF LIVESTOCK CARCASSES WITH TISSUES REMOVED

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to remove the requirements prohibiting the importation into the United States of carcasses or parts of carcasses of livestock from which the pleura, peritoneum, body or portal lymph nodes are removed. These carcasses or parts would be imported based on the eligibility of the exporting countries, and whether they are wholesome, not adulterated and properly marked and/or labeled. This action is in response to a petition submitted by Cloverdale Foods Company, Minot, North Dakota.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1724
NPRM Comment Period End	02/16/89	
Final Action	11/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards and Procedures Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3219

RIN: 0583–AA85

177. IMPORTATION OF MEAT AND POULTRY PRODUCTS; REFUSED ENTRY PRODUCT

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule would amend the Federal meat and poultry products inspection regulations to clarify what actions the agency will take when refused entry product exported to another country is returned to the U.S. This rule will add a proviso that any such products exported to another country and returned to the U.S. would be subject to seizure and condemnation in accordance with the Federal Meat Inspection Act or the Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1375
NPRM Comment Period End	03/14/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patrick Clerkin, Director, Field Operations Division, CD, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-5604

RIN: 0583–AA90

178. DEFINITION OF TERMS – "IMPORTATION" AND "ENTRY"

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to define the terms "importation" and "entry" to clarify when imported product becomes subject to U.S. requirements. Once product offered for importation has been reinspected by FSIS inspectors and the official mark of inspection has been applied, FSIS considers that such product has been entered into the U.S. and is the regulatory equivalent of domestic product. This action is a result of recent litigation which indicated the need for clarification of terms with respect to USDA's interpretation of provisions of the Federal Meat Inspection Act and the regulations thereunder concerning at what point FSIS considers imported products to be domestic products.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24181
NPRM Comment Period End	07/06/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-2952

RIN: 0583–AA91

USDA—FSIS **Final Rule Stage**

179. IMPORTED CANADIAN PRODUCT; PROVISION FOR "STREAMLINED" INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to provide "streamlined" inspection procedures for the reinspection of Canadian meat and poultry products and by exempting Canadian meat and poultry products offered for importation from the requirement that such product and/or containers of product be marked with the official mark of inspection once they are passed for entry into the United States. These actions stemmed from the Canada-United States Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449. These actions specifically responded to one goal of the Agreement whereby both countries are charged with liberalizing agriculture trade practices by seeking ways to eliminate technical or procedural requirements which now may serve to impede trade in agricultural products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/89	54 FR 273
Reopening of Comment Period	03/16/89	54 FR 10621
Comment Period End	04/12/89	
Correction Notice	06/22/89	54 FR 26189
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark ManiStolfa, Director, Import Inspection Division, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-2952

RIN: 0583–AA99

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

180. USE OF AIR DURING SLAUGHTER OPERATIONS

CFR Citation: 9 CFR 310

Completed:

Reason	Date	FR Cite
Final Action	09/05/89	54 FR 36755
Final Action Effective	10/05/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth 202 447-3219

RIN: 0583–AA48

181. IMPLEMENTATION OF IMPROVED PROCESSING SYSTEM

Significance: Agency Priority

CFR Citation: 9 CFR 301; 9 CFR 302; 9 CFR 303; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 308; 9 CFR 312; 9 CFR 314; 9 CFR 316; 9 CFR 317; 9 CFR 318; 9 CFR 320; 9 CFR 322; 9 CFR 325

Completed:

Reason	Date	FR Cite
Withdrawn	05/23/89	54 FR 22300

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal 202 447-6525

RIN: 0583–AA72

BILLING CODE3410-DM-T

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

182. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1989

Legal Authority: Presidential Proclamation 5002; dated November 30, 1982

CFR Citation: 7 CFR 6.300 to 6.302

Legal Deadline: None

Abstract: This notice sets forth the market stabilization price for sugar for the period October 1, 1989 - September 30, 1990. The Market Stabilization Price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the Market Stabilization Price is provided for in 7 CFR 6.300-6.302 (50 FR 36040). (FAS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA20

183. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1989

Legal Authority: Presidential Proclamation 4941; dated May 5, 1982

CFR Citation: Not applicable

Legal Deadline: Other, Statutory. Import quotas on sugar for FY 1990 must be announced (filed in FR) no later than 15th day of month immediately preceding calendar quarter during which such determination shall be (cont)

Abstract: Presidential Proclamation 4941 dated May 5, 1982 amended headnote 3 of the Subpart A, Part 10, Schedule 1 of the Tariff Schedules of

USDA—FAS **Proposed Rule Stage**

the United States (TSUS) (Headnote 3) to establish a system of quotas for U.S. sugar imports. (FAS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: in effect.

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA21

184. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: For future FY's: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amended the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended, requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA23

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Forest Service (FS)

185. PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/90	
End Review	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Review of these planning regulations has been rescheduled to allow completion of all forest plans and to allow for a review of first-generation plans and associated planning issues.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA50

186. 36 CFR 271 - USE OF "SMOKEY BEAR" SYMBOL

Legal Authority: 18 USC 711

CFR Citation: 36 CFR 271

Legal Deadline: None

Abstract: The regulations govern how the name or image of "Smokey Bear" may be used, who may authorize the use of "Smokey Bear," and the use of official campaign materials, commercial licensing, and the association with the State Foresters and the Advertising Council. This review will focus on licensing and especially exclusive licenses and will consider counterpart regulations in Part 272-Use of "Woodsy Owl" Symbol as a possible approach.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA66

187. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, Subpart B

Legal Deadline: None

Abstract: The rules at 36 CFR 292, Subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review will focus on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet Congressional intent.

USDA—FS

Prerule Stage

Timetable:

Action	Date	FR Cite
Begin Review	03/00/88	
End Review	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA68

188. 36 CFR 241 WILDLIFE: COOPERATION IN WILDLIFE PROTECTION, WILDLIFE MANAGEMENT AND FEDERAL REFUGE REGULATIONS

Legal Authority: Sec 1, 30 Stat 35; Sec 1, 33 Stat 628; Sec 1, 39 Stat 476; 16 USC 472, 551, 683

CFR Citation: 36 CFR 241

Legal Deadline: None

Abstract: This rule is being reviewed as required by USDA Departmental Regulation 1512-1.

36 CFR 241.1 describes Forest Service cooperation with State, County and Federal officials in the enforcement of all laws and regulations for the protection of wildlife. Forest Service employees may be appointed as deputy game wardens with full power to enforce State laws and regulations.

36 CFR 241.2 describes how Forest Service cooperates with States in developing plans for securing and maintaining desirable populations of wildlife species including entry into cooperative agreements for such purposes.

36 CFR 241.3 regulates hunting of game or non-game animals on Forest Service lands not managed cooperatively with States. Persons desiring to hunt on this land must procure a permit. The Forest Service will cooperate with persons, firms, corporations and county and State officials in the management of animals on national forest lands not having cooperative agreements for wildlife management with States. The Forest Service may sell or exchange or accept donations of animals in (cont)

Timetable:

Action	Date	FR Cite
Begin Review	02/01/88	
End Review	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: promoting conservation of wildlife.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA81

189. ISOLATED CABIN POLICY

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 497

CFR Citation: None

Legal Deadline: None

Abstract: Agency policy is to terminate isolated cabin authorizations on National Forest System land that were constructed without advance authorization and subsequently authorized by special use permit. These cabins are used for part- or full-time occupancy. These cabins differ from recreation residences which were established in tracts specific for this purpose and built with Agency approval and supervision. Isolated cabins originated in several ways, including encroachment and mining claims. They restrict management of the surrounding National Forest land and deprive the public from the use and enjoyment of the land actually occupied and the surrounding area. The action proposed is to seek input from the public as to whether the present policy should be continued, or whether it should be revised so as to examine each isolated occupancy and determine whether, in the interests of fairness and equity, the cabin should be converted to a recreation residence. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/00/89	
ANPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This proposal to revise current policy was originally included in proposed policy on recreation residences (52 FR 206-208). Public comments and continuing discussions with recreation residence permittees on that policy revealed widely divergent views on the Agency's policy, strongly suggesting that isolated cabins be treated separately from recreation residences. Therefore, so as not to delay implementation of final policy on recreation residences, a decision was made to seek additional public comment on the isolated cabin policy before a decision is made to revise the policy.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA85

190. 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART A - GENERAL PROVISIONS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart A

Legal Deadline: None

Abstract: This is a five year review of 36 CFR 223, Subpart A. Subpart A primarily authorizes the conditions for free use of National Forest timber.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/90	
End Review	05/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA89

191. 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART B - TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart B

Legal Deadline: None

USDA—FS **Prerule Stage**

Abstract: This is a five year review of 36 CFR 223, Subpart B. Subpart B provides for the sale and disposal of National Forest timber, including contract conditions and provisions, advertisement and bids, award of contracts, and contract administration.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/90	
End Review	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA90

192. SPECIAL AREAS

Legal Authority: Sec. 1, 30 Stat 35, as amended; 62 Stat 100; Sec. 1, 33 Stat 628; 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 294.1

Legal Deadline: None

Abstract: The agency will undertake a review of its existing regulations at 36 CFR 294.1 that provide for the setting aside of areas of National Forests, other than Wilderness or wild areas, which should be managed principally for recreation. The rule establishes size classes for areas that may or may not be designated by the Chief of the Forest Service and the Secretary of Agriculture; describes examples of the types of areas that might be set aside, and provides for clearly marking these areas on the ground. Areas classified under this section are set apart and reserved for public recreation use and such classification constitutes a formal closing of the area to any use or occupancy inconsistent with the classification.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/88	
End Review	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA91

193. ● RECREATION RESIDENCE AUTHORIZATION POLICY

Significance: Agency Priority

Legal Authority: 16 USC 497

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The policy for administering recreation residences on National Forest lands was adopted August 16, 1988 (53 FR 30924) and subsequently appealed under the administrative appeal process (36 CFR 211.18). In rendering his decision on the appeal the Assistant Secretary of Agriculture for Natural Resources and Environment suspended certain provisions related to tenure and the offering of in-lieu sites; designated the remaining features interim policy; and directed the Chief of the Forest Service to review and reconsider the entire policy (54 FR 23499: June 1, 1989). The policy is being reconsidered and alternatives are being developed. The purpose of the policy is to improve the administration of recreation residence permits and implement a revised fee schedule that obtains fair market value for the use. The policy affects about 15,800 permittees.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/89	54 FR 38700
ANPRM Comment Period End	11/20/89	
NPRM	02/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB06

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Proposed Rule Stage

194. SUSPENSION AND DEBARMENT OF TIMBER PURCHASERS, 36 CFR 223, SUBPART C

Significance: Agency Priority

Legal Authority: PL 94-588, Sec 14; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None

Abstract: Currently, suspension and debarment of timber purchasers means the debarred entity is prevented from bidding or being awarded Forest Service timber sale contracts. Recently, suspended and/or debarred purchasers have been serving as subcontractors on Forest Service timber sale contracts, or acting as purchaser's representatives to receive notices and to take action on contracts. This has the effect of negating the suspension/debarment action, which is to protect the Government. The rule will be revised to prevent suspended and/or debarred purchasers from serving as subcontractors or purchaser representatives.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA09

USDA—FS

Proposed Rule Stage

195. FINANCIAL SECURITY OF NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.52; 36 CFR 223.50

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make down payments and periodic payments on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a midpoint payment. However, to fully comply with the Act, additional rules are required. This rule will identify the requirements for down payments, periodic payments, and market-related contract term additions. This rule will eliminate discounting and the requirement to hold a down payment until the last timber is removed. Based on comments received the agency has decided to issue a new proposed rule. In addition, the Government's position with respect to performance bonds will be strengthened by elimination of the $500,000 ceiling; providing for two-track bonding procedures, i.e. 20 percent upfront bond with reduction in amount as purchaser harvests; increasing the bid guarantee to 10 percent of the advertised value; assessing damages in the amount of bid guarantee or the difference between bid (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	11/06/87	52 FR 43020
NPRM Comment Period End	02/19/88	53 FR 544
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: value and resale value; establishing the guidelines for determining purchaser's financial ability to operate a sale; specifying shorter contract periods; and modifying the basis for determination of default damages. This action combines entry RIN 0596-AA87, as listed in the April 1989 Agenda to avoid unnecessary fragmentation of effort, to facilitate systematic implementation and to combine all considerations of financial security into one rule.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA33

196. GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD, FREE-ROAMING HORSES AND BURROS

Legal Authority: 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 580l; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

CFR Citation: 36 CFR 222, Subpart A

Legal Deadline: None

Abstract: Minor amendments to 36 CFR 222, Subpart A are under consideration to eliminate unnecessary sections, include currently used policies and procedures, and revise the remaining regulations making them clearer and easier for the public and Agency personnel to use. The proposed regulations (1) clarify the definitions of excess livestock and unauthorized use rate; (2) remove the rule for grazing advisory boards; (3) establish requirements or procedures for minimum permit size, eligibility related to compliance with permit terms, permits for livestock use in vegetation management, valuing range improvements when livestock grazing is eliminated, charging a fee for processing actions initiated or caused by a permittee or applicant, and association meeting frequency of a least 1 every 12 months; (4) authorize, in the Eastern States, crediting permittees for specified range improvements when determining grazing fees and a waiver of base property and livestock ownership requirements on developing ranges; (5) incorporate currently used policies and procedures for escrow waivers, association member grievances, permit cancellation or (cont)

Timetable:

Action	Date	FR Cite
Review of Subpart B - notice of completion of review; no change in rules required	08/14/87	52 FR 30359
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
NPRM - Second	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: suspension for excess use, charges for excess use, requests for information for evaluating grazing applications and action on apparent violations of permit terms.

On August 16, 1988, a proposed rule was published in 53 FR 30954. In response to comments received a second proposed rule is being issued. The dates projected are for proposed and final rules revising 36 CFR 222, Subpart A-grazing and livestock use. No further rulemaking activity is planned on Subpart B. The review of Subpart B pursuant to EO 12291 concluded that there was no need to revise these rules (See Timetable).

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA35

197. SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 Mineral Leasing Act; 16 USC 551

CFR Citation: 36 CFR 251, Subpart B

Legal Deadline: None

Abstract: The objective of this rulemaking is to conform the rule to the requirements of 3 laws approved since the regulation was revised in 1980. These laws include special provisions for authorizing irrigation and livestock watering facilities constructed prior to

1976, electrical and telephone facilities financed pursuant to the Rural Electrification Act of 1936, and special uses in Alaska. In addition, the proposed rulemaking will clarify applicant responsibilities for providing data and studies needed to process a special use application and will provide for the advanced payment of land use rental fees for longer time periods, including the life of the special use authorization. That portion of this action relating to collection of reimbursable costs for processing special use applications is being deferred and will be addressed as a new action in a future agenda. For other changes affecting special use applications and authorization of special uses, see Agenda entry # (RIN 0596-AA20).

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA36

198. PROHIBITION ON MECHANICAL TRANSPORT AND OTHER ACTIVITIES IN WILDERNESS

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a); 36 CFR 261

Legal Deadline: None

Abstract: Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a) and to make corollary revisions in the prohibitions applicable to wilderness use, including prohibiting competitive events and expanding the definition of aircraft to include hang gliders, parachutes and parasail (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA39

199. LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716; 102 Stat 1086

CFR Citation: 36 CFR 254, Subpart A

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: Changes in existing regulations are needed to implement provisions of the Federal Land Exchange Facilitation Act of August 20, 1988, as well as to correct errors, delete obsolete portions, update to reflect current authorities, and clarify ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34368
NPRM Comment Period End	10/02/89	
Final Action	01/15/90	
Final Action Effective	02/14/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA42

200. SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. Based on comments received in response to the 9/25/87 proposal, review of market data and Congressional direction, the agency is withdrawing its 1987 proposal and offering a new proposal.

The proposed policy will be consistent with the current standards and establish procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45889
NPRM Comment Period End	01/22/85	
Final Policy	06/13/85	50 FR 24788
Request Comments on Final Policy	02/03/86	51 FR 4264
Revised Proposed Policy	09/25/87	52 FR 36075
Proposed Policy Comment Period End	11/09/87	
New Proposed Policy	11/00/89	
Proposed Policy Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA43

201. REVISION OF TIMBER SALE CONTRACT FORMS FS-2400-6 AND FS-2400-6T

Significance: Regulatory Program

USDA—FS

Proposed Rule Stage

Legal Authority: 16 USC 535; 16 USC 551; 16 USC 472a; 16 USC 607A; 16 USC 618; 42 USC 4461

CFR Citation: None

Legal Deadline: None

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Notice of availability; request for comment	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA45

202. LEASABLE MINERALS OTHER THAN OIL AND GAS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 36 CFR 228, Subparts F to H (New)

Legal Deadline: None

Abstract: These subparts will set forth the rules by which the Forest Service will process and respond to proposals received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which have resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA46

203. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service in permitting hydroelectric uses on National Forest System lands. The objective of the rules will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

In addition, the rules will establish a fee system for hydroelectric uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed rule will take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	
NPRM Comment Period End	12/15/89	
Final Action	03/01/90	
Final Action Effective	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA47

204. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551; 43 USC 1701 et seq; 94 Stat 2400

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None

Abstract: To facilitate the orderly development of locatable minerals on the National Forest System public domain in an environmentally sound manner. Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of

Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA49

205. LAW ENFORCEMENT SUPPORT ACTIVITIES

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 262

Legal Deadline: None

Abstract: These rules describe awards the Forest Service is authorized to make for information leading to arrest and convictions of persons who start fires or otherwise destroy property on National Forests. Subpart B sets forth rules governing impoundment or removal of unauthorized personal property from National Forest System lands.

Review has focused on the adequacy of the rules for administration of the National Forests and has revealed the need for minor revisions. The agency is now developing a proposed rule in response to the review.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA65

206. 36 CFR 261 PROHIBITIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: These rules declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties.

Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA75

207. REVISE SMALL TRACTS ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 521c-i

CFR Citation: 36 CFR 254, "Subpart C"

Legal Deadline: None

Abstract: Implementation of the agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA79

208. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251 TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 472, 551, 1134, 3210; 30 USC 185; 43 USC 1740, 1761 to 1771

CFR Citation: 36 CFR 251 Subpart A; 36 CFR 251 Subpart B; 36 CFR 251 Subpart E (New); 36 CFR 251 Subpart F (New)

Legal Deadline: None

Abstract: A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first amendment rights.

The agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to adequately regulate large group use on the National Forests in a manner that ensures protection of the public health and safety and National Forest resources.

USDA—FS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16548
Interim Rule Effective	05/10/88	53 FR 16548
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA80

209. HELL'S CANYON NATIONAL RECREATION AREA - PRIVATE LANDS

Legal Authority: PL 94-199, sec 10a

CFR Citation: 36 CFR 292, Subpart E (New)

Legal Deadline: None

Abstract: The Forest Service proposes to issue regulations concerning use of private lands in the Hell's Canyon National Recreation Area (HCNRA) on the Oregon - Idaho border, as required in PL 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA.

The standards are intended to achieve the following management objectives for the Recreation Area: (1) The conservation and continuance of forest land for forest uses and farm land for farm uses; (2) The maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) Conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) Preservation, especially in the area generally known as Hell's Canyon, of all features and peculiarities believed to be biologically unique; (5) Protection and maintenance of fish and wildlife habitat; (6) Protection of archaeological and paleontological sites; (7) Preservation of historic sites associated with and typifying the economic and social history of the region (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	12/00/90	
Final Action Effective	01/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: ABSTRACT CONT: and the American West; and (8) Continuation of traditional uses.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA88

210. SOLID WASTE DISPOSAL POLICY

Significance: Agency Priority

Legal Authority: 16 USC 497; 43 USC 931c

CFR Citation: None

Legal Deadline: None

Abstract: Solid waste disposal sites (sanitary landfills) on National Forest System lands present the potential for resource degradation, hazardous waste dumping, and future liability. A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase out of existing sites. During the phase out period, authorizations would be amended to provide resource protection and limit the Government's potential liability. In situations where National Forest System lands provide the best location for solid waste disposal, land exchange and/or purchase will be considered. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, limit future liability, and protect the resources on National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA92

211. IRREVOCABLE LETTER OF CREDIT

Significance: Agency Priority

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service is proposing to issue Handbook directions that will require the bank president to certify as to the authority of the person signing the letter of credit and the conformance with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box

96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA93

212. RESERVED AND OUTSTANDING MINERAL RIGHTS

Significance: Regulatory Program

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 228, Subpart B

Legal Deadline: None

Abstract: Substantial acreage of National Forest System land is underlain by privately owned mineral deposits. During extraction of the mineral resources, the mineral owner is required to take measures to protect Federal surface resource values. The Forest Service must analyze the effects of the proposed mineral extraction and determine what mitigation measures should be specified. Currently, there are no regulations describing the process to be followed by the Forest Service or the private mineral owner.

The regulatory approach has not yet been determined. A working group will be formed in February 1989 to determine the scope, form, and details to be included in a proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Forest Service, USDA, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AA99

213. DOUGLAS-FIR LUMBER PRICE INDEX REVIEW

Legal Authority: 16 USC 528 to 531; 16 USC 1600 to 1614

CFR Citation: 36 CFR 223.60

Legal Deadline: None

Abstract: The Agency will review the Douglas-fir lumber price indexes used to appraise public timber offered for sale and to adjust prices billed for timber already under contract in Northwestern California and the Pacific Northwest Coastal Regions.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB00

214. DISPOSAL OF QUARTZ MINERAL ON THE OUACHITA NATIONAL FOREST

Legal Authority: PL 100-446, Sec 323; 30 USC 601, 603

CFR Citation: 36 CFR 228 Subparts C to D

Legal Deadline: None

Abstract: This regulation is a direct response to the direction in Section 323 of Public Law 100-446 which classified quartz mineral on the Ouachita National Forest in Arkansas as no longer subject to location under the General Mining Law of 1872. These materials are now to be managed in the same manner as common varieties of mineral materials under regulations prescribed by the Secretary of Agriculture.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB01

215. FEDERAL CAVE RESOURCES PROTECTION

Significance: Agency Priority

Legal Authority: PL 100-691

CFR Citation: 36 CFR 290 Subpart A (New)

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: These regulations will implement the Federal Cave Resources Protection Act of 1988, which requires that the rules define what is a significant cave for purposes of this Act. The Act also requires that the rules address an inventory of cave resources, provide for confidentiality of information concerning the nature and location of caves on Federal land, and permits for collection and removal of cave resources. The regulations are being developed in concert with agencies of the U.S. Department of the Interior as required by the act.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/89	54 FR 9066
ANPRM Comment Period End	04/03/89	54 FR 9066
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB02

216. PRE-AWARD INFORMATION REQUIREMENTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.101

Legal Deadline: None

Abstract: Recently, as the number of timber sale defaults have increased, the number of debarred purchasers have increased, and the Government has initiated a policy of only doing business with responsible parties, it is becoming commonplace for bidders to form new

USDA—FS

Proposed Rule Stage

affiliates in order to continue to be awarded Forest Service timber sale contracts. Unless the bidder voluntarily identifies affiliates, the Agency must make the determination through a time consuming process prior to award, prior to determining if double downpayment rules apply, and prior to taking debarment action. This rule would require bidders to disclose, prior to award of sales, all affiliates, and to certify that none are suspended or debarred. Filing false claims would be cause for contract cancellation and debarment action.

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	
NPRM Comment Period End	02/15/90	
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, WAshington, DC 20090-6090, 202 235-1488

RIN: 0596–AB03

217. ● FOREST SERVICE WILDERNESS MANAGEMENT POLICY

Significance: Agency Priority

Legal Authority: 16 USC 1121(note); 16 USC 1131 to 1136 (Wilderness Act)

CFR Citation: None

Legal Deadline: None

Abstract: Revisions to Chapter 2320, Forest Service Manual (FSM), are proposed to remove barriers to implementation of the National Recreation Strategy. Also includes revisions needed to be consistent with 36 CFR 261, 293 (see RIN 0596-1139). Changes will include guidance on access by people with disabilities, expanded policy on controlling insect and disease outbreaks, amending prohibited activities to include competitive events and use of hang gliders, parachutes and parasails as aircraft. The policy will include text of Congressional Grazing Guidelines and more specific direction for wildlife and fish management and will also include guidance on structures, cultural resources, research and law enforcement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	04/15/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB04

218. ● NATIONAL ENVIRONMENTAL POLICY ACT REVISED IMPLEMENTING POLICY AND PROCEDURES

Significance: Agency Priority

Legal Authority: PL 91-190; PL 91-224

CFR Citation: 40 CFR 1500; 40 CFR 1501; 40 CFR 1502; 40 CFR 1503; 40 CFR 1504; 40 CFR 1505; 40 CFR 1506; 40 CFR 1507; 40 CFR 1508

Legal Deadline: None

Abstract: This action is an update and revision of National Environmental Policy Act compliance policy and procedures to address changes caused by changing conditions and recent case law. It includes establishment of categories of actions excluded from documentation in EA or EIS.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
NPRM Comment Period End	11/30/89	
Final Action	01/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regualtory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB05

219. ● FEE POLICY FOR RESERVOIRS

Significance: Agency Priority

Legal Authority: 43 USC 1764 Federal Land Policy and Management Act

CFR Citation: 36 CFR 251.57

Legal Deadline: None

Abstract: The Forest Service proposes to change the policy and procedure for determining the land use rental fees for dams and reservoirs located on National Forests lands that are authorized by special use authorizations. This would eliminate the need for individual appraisals of reservoir areas and would reduce the cost of administering the special use permits. The fees would be comparable to the fees charged by the Federal Energy Regulatory Commission for reservoirs on Federal lands. There would be no change in the fee waiver policy for reservoirs. Reservoirs that are currently exempt by law from payment of land use rental fees would not be affected by the proposed change in policy.

Timetable:

Action	Date	FR Cite
NPRM	11/15/89	
NPRM Comment Period End	01/14/90	
Final Action	06/01/90	
Final Action Effective	07/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB07

220. ● IMPLEMENTATION OF NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLANS

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: The agency's current rules governing implementation of forest plans (36 CFR 219) are not very precise and the relationship of plan implementation to National Environmental Policy Act compliance is not well understood by the public. Additionally appeal decisions made by the Chief of the Forest Service and recent Court decisions indicate that

more site specificity is needed in project-level plans. The objective of this rule is to establish through rulemaking a precise and coherent policy about the relationship of the forest plan implementation process to NEPA documentation, so that forest planners, decision makers, and the public will know and understand the nature of decisions being made as forest plans are implemented through on-the-ground projects. This rulemaking is potentially being considered as a negotiated rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	
NPRM Comment Period End	01/30/90	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, D.C. 20013-6090, 202 235-1488

RIN: 0596–AB09

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Final Rule Stage

221. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None

Abstract: The objective is to establish the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports.Because this rule is limited to agency organization and administration, it is exempt from notice and comment and thus will be published as a final rule. (FS 85-012)

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA24

222. ACCESS TO NON-FEDERAL LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

Legal Deadline: None

Abstract: The regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37795
NPRM Comment Period End	11/28/88	
Extension of Comment Period	11/30/88	53 FR 48278
Comment Period End	01/30/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA31

223. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None

Abstract: The objective of this action is to permit Forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four-wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35526
NPRM Comment Period End	11/14/88	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA38

224. CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487, Title V

USDA—FS

Final Rule Stage

CFR Citation: 36 CFR 241, Subpart B (New)

Legal Deadline: None

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemented by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13199
NPRM Comment Period End	06/29/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA41

225. DEFINITION OF COMMON VARIETY MINERAL MATERIALS

Legal Authority: 30 USC 601 to 604; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c; 16 USC 508b; 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 Surface Resources Act, which defined common varieties, we believe that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15236
NPRM Comment Period End	06/27/88	53 FR 15236
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA44

226. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, Subpart D (New)

Legal Deadline: None

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act of 2/8/87, as amended by Section 31, Act of 6/25/10 authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA52

227. GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

Legal Authority: 16 USC 551; 31 USC 483a; 43 USC 1901

CFR Citation: 36 CFR 222.53, 222.54

Legal Deadline: None

Abstract: Different grazing fee systems are used in the Eastern and Southern Regions of the Forest Service. The current system in the Eastern Region is market driven. The system in the Southern Region is based on a cost-of-livestock-production/ability-to-pay methodology which currently results in below market fees.

This rulemaking seeks to improve uniformity of grazing fee systems on National Forest System Lands in the

USDA—FS **Final Rule Stage**

East, update fees to current market values, and provide incentives to achieve needed range improvements.

Timetable:

Action	Date	FR Cite
NPRM	02/10/89	54 FR 6425
NPRM Comment Period End	04/11/89	
Final Action	12/00/89	
Final Action Effective	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA55

228. PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule has been delayed in order to receive and consider a final report from the National Academy of Sciences on "Guidelines for Paleontological Collecting."

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA56

229. OIL AND GAS RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 478; 16 USC 551; 30 USC 226, 352

CFR Citation: 36 CFR 228, Subpart E

Legal Deadline: None

Abstract: This final rule will set forth the procedures by which the Forest Service would carry out its statutory responsibilities for management of oil and gas leasing and attendant surface disturbing activities conducted on leaseholds on National Forest System lands. In the past, the Forest Service has relied on Bureau of Land Management procedures and regulations. However, the Federal courts have ruled that the Forest Service must promulgate its own procedures and regulations. Additionally, the Federal Onshore Oil and Gas Leasing Reform Act of 1987 expanded the authority of the Secretary of Agriculture in the management of oil and gas resources on National Forest System lands and directed the Secretary to issue rules on bonding and reclamation standards. The intent of these rules is to satisfy both judicial direction and the new statute; to coordinate Forest Service oil and gas resource management procedures with those of the Bureau of Land Management, and to promote cooperation among the Agency, the oil and gas industry, and other publics interested in the management of oil and gas resources of National Forest (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3326
NPRM Comment Period End	03/24/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: System lands.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA82

230. SURETY BOND FORM REVISION

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1742
NPRM Comment Period End	03/20/89	
Final Action	09/00/90	
Final Action Effective	11/00/90	

Small Entities Affected: None

Government Levels Affected: None

USDA—FS **Final Rule Stage**

Additional Information: Final action on this entry will be delayed to obtain advice of the Comptroller General.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA94

231. ● HELLS CANYON NATIONAL RECREATION AREA-USE OF NATIONAL FOREST LANDS

Significance: Agency Priority

Legal Authority: 16 USC 460gg Hells Canyon National Recreation Area

CFR Citation: 36 CFR 292 F (New)

Legal Deadline: None

Abstract: In Oregon Natural Resource Council v Lyng, the 9th Circuit Court of Appeals ruled that the Secretary must promulgate regulations as required by the Hells Canyon National Recreation Act (HCNRA) governing federal and private land uses in the HCNRA. The Department had argued that such rules were discretionary and the agency's comprehensive management plan for the NRA, which was prepared as required by the Act, was sufficient to guide management of the area. As a result of the court's ruling, the risk of litigation to halt ongoing activities, particularly timber sales, is high. Accordingly, there is an urgent need to promulgate an interim rule governing management of the federal lands in the HCNRA. While many existing regulations governing National Forest System lands, remain applicable to the Hell's Canyon NRA, pending projects and plans are vulnerable to continued litigation until final rules are effective. An interim rule is the most expeditious way to effect rules. Public comment will be invited on the interim rule and will be considered in development of the final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/89	54 FR 41089
Interim Final Rule Comment Period End	12/04/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The only alternative to the court ruling to promulgate rules is to publish a proposed rule rather then interim rules. This is unacceptable because of the potential for disruption to management of the area and the regulatory void that would be created by the longer time frames involved in going through a Notice of Proposed Rulemaking.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB08

232. ● GIVING NOTICE OF DECISIONS SUBJECT TO APPEAL

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 217

Legal Deadline: None

Abstract: The current appeal rule at 36 CFR Part 217 requires the Deciding Officer to mail a plan or project decision to those who have, in writing, requested it and to those known to have participated in the decisionmaking process. In addition, the rule prohibits extension of the time period for filing an appeal. The administrative process of producing letters notifying the public of decisions delays notice and is shortening the period available to appeal a decision. This interim rule would require Deciding Officers to give notice of decisions in newspapers of general circulation or, in some cases, the Federal Register. The appeal filing period would begin the day after the notice is published. Because of infrequency frequency of appeals over filing periods, it is necessary to make the rule effective upon publication to bring order and consistency to the agency's appeal process. The rulemaking would also clarify grounds for dismissal of an appeal without a decision on the merits, make clear that dismissal decisions are subject to discretionary review at a higher level, and require appellants to submit 2 copies of a notice of appeal when the notice is 10 pages or longer.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, D.C. 20013-6090, 202 235-1488

RIN: 0596–AB10

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Forest Service (FS)

233. SKI AREA TERM PERMITS

Significance: Agency Priority

CFR Citation: 36 CFR 251.51; 36 CFR 251.53; 36 CFR 251.56; 36 CFR 251.57

Completed:

Reason	Date	FR Cite
Final Action	05/26/89	54 FR 22588
Final Action Effective	06/26/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA57

234. INCREASE IN MINIMUM RATES CHARGED FOR TIMBER

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn as a result of improved markets	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

USDA—FS

Completed Actions

Agency Contact: Marian P. Connolly
703 235-1488

RIN: 0596–AA73

235. DEFERRAL OF PAYMENTS ON HIGH-PRICED TIMBER SALES

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	04/12/89	54 FR 20750
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly
703 235-1488

RIN: 0596–AA97

BILLING CODE 3410-11-T

DEPARTMENT OF AGRICULTURE (USDA)
Packers and Stockyards Administration (P&SA)

Completed Actions

236. ANNUAL REPORTS

Significance: Agency Priority

CFR Citation: 9 CFR 201.97; 9 CFR 201.43; 9 CFR 201.49; 9 CFR 201.53; 9 CFR 201.71; 9 CFR 201.72; 9 CFR 201.73; 9 CFR 201.76; 9 CFR 201.82; 9 CFR 201.94; 9 CFR 201.95; 9 CFR 201.96; 9 CFR 201.100; 9 CFR 203.4; 9 CFR 203.15

Completed:

Reason	Date	FR Cite
Final Action	04/24/89	54 FR 16356
Final Action Effective	05/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins
202 447-7063

RIN: 0590–AA04

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Prerule Stage

237. PROCEDURES FOR SECURING RURAL ELECTRIFICATION ADMINISTRATION APPROVAL OF CONSOLIDATING/MERGER ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 7 CFR 1710.95 to 1710.99; 7 CFR 1710.100 to 1710.104

Legal Deadline: None

Abstract: The proposed rule will codify REA policy currently found in REA Bulletin 115-2, Merger and Consolidation of Electric Distribution Borrowers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA25

238. FINANCIAL MANAGEMENT AND FORECASTING FOR ELECTRIC DISTRIBUTION BORROWERS

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 7 CFR 1716

Legal Deadline: None

Abstract: The proposed rule will codify REA policy relating to financial forecasting currently found in REA Bulletin 105-5, Financial Forecast - Electric Distribution Systems and Bulletin 105.1, Annual Work Programs and Budgets for Rural Distribution Systems.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA26

239. ● CRITERIA FOR SECURING REA APPROVAL OF ASSET SALES BY ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1715.60 to 1715.79 Subpart B

Legal Deadline: None

Abstract: Codify REA Bulletin 115-1, Sales of Capital Assets by Electric Borrowers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence

USDA—REA **Prerule Stage**

Ave., SW, Room 4063-South, Washington, DC 20250, **202 382-9552**

RIN: 0572–AA33

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Proposed Rule Stage

240. LIST OF STANDARD FORMS OF TELECOMMUNICATIONS CONTRACTS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1762.1

Legal Deadline: None

Abstract: The purpose of revising 7 CFR Part 1762 is to announce a general revision of REA Contract Form 525, Central Office Equipment Contract (Including Installation).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, **202 382-9552**

RIN: 0572–AA20

241. TELEPHONE SYSTEM CONSTRUCTION CONTRACT

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1762

Legal Deadline: None

Abstract: The purpose of revising 7 CFR Part 1762 is to announce a general revision of REA Contract Form 515, Telephone System Construction Contract, Labor and Materials.

Timetable:

Action	Date	FR Cite
NPRM	07/03/89	54 FR 27883
NPRM Comment Period End	07/03/89	54 FR 27883

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, **202 382-9552**

RIN: 0572–AA21

242. ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1718

Legal Deadline: None

Abstract: To codify the policy and procedures currently set forth in REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration and REA Bulletin 181-3, Accounting Interpretation for REA Electric Borrowers. In addition to codifying, revisions are being proposed to the existing policy that will update REA's accounting guidelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 4063-S, Washington, DC 20250, **202 382-9552**

RIN: 0572–AA23

243. LOAN SECURITY DOCUMENTS - TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1758

Legal Deadline: None

Abstract: This new part provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, **202 382-9552**

RIN: 0572–AA30

244. TELEPHONE MATERIALS, EQUIPMENT, AND CONSTRUCTION - TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1765

Legal Deadline: None

Abstract: The primary objectives of the addition of Subparts E, G, and H to Part 1765 are to update, clarify, and simplify REA policies and procedures; to lessen the burden on borrowers involved in planning and construction of telecommunications facilities; and to decrease the processing time of related documents by REA.

Timetable:

Action	Date	FR Cite
NPRM	09/25/89	54 FR 39281
NPRM Comment Period End	11/24/89	

USDA—REA **Proposed Rule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA31

245. ● LIST OF STANDARD FORMS OF ELECTRIC CONTRACTS - REA FORM 830 ELECTRIC SYSTEM CONSTRUCTION CONTRACT AND REA FORM 831 ELECTRIC TRANSMISSION CONSTRUCTION CONTRACT

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1735.1

Legal Deadline: None

Abstract: These contract forms contain REA's contracts for distribution line and transmission line construction. REA proposes to revise these contract forms by increasing the liability insurance limits to meet limits set forth by REA in 7 CFR 1788 at SIFR25855 on July 17, 1986. The other major change proposed by REA to these contract forms is to replace the fixed interest rate of seven percent (7%) per annum, to be paid on unpaid balances, with a blank to allow borrowers to specify an interest rate.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA34

246. ● REA POLICY ON AUDITS OF ELECTRIC AND TELEPHONE BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1789

Legal Deadline: None

Abstract: As a result of an audit of REA's Oversight of Program Operations Through the Use of CPA's performed by the Department of Agriculture's Office of Inspector General, REA must revise its current regulations to require the independent certified public accountant to perform the annual audit of an REA borrower in accordance with generally accepted government auditing standards, thereby expanding the scope of the financial audit previously submitted in accordance with 7 CFR 1789 to include a determination of whether the borrower has complied with the applicable laws and regulations for those transactions and events reported in the financial statements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA36

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA) **Final Rule Stage**

247. PREPAYMENT OF REA GUARANTEED FEDERAL FINANCING BANK LOANS

Significance: Agency Priority

Legal Authority: 7 USC 901 to 950b; PL 99-509; PL 100-202; PL 100-203; PL 100-460

CFR Citation: 7 CFR 1786

Legal Deadline: None

Abstract: The revised part will establish policies and procedures to implement the provisions of the RE Act, (7 USC 901 et seq), PL 99-509, PL 100-202, PL 100-203, and PL 100-460.

Timetable:

Action	Date	FR Cite
NPRM	05/23/89	54 FR 22290
NPRM Comment Period End	06/22/89	54 FR 22290
Final Action	10/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA29

248. ● REA BULLETIN 50-6 (D-806), SPECIFICATION AND DRAWINGS FOR UNDERGROUND ELECTRIC DISTRIBUTION

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1736.97

Legal Deadline: None

Abstract: REA Bulletin 50-6 (D-806), Specifications and Drawings for Underground Electric Distribution, provides standard underground electric system construction drawings and specifications that REA Electric borrowers may use without REA review of each specific project. Bulletin 50-6 (D-806) was last revised in 1975. In the intervening years, many dramatic changes have been made in the material, equipment, and construction methods used in the underground electric distribution industry. The proposed changes in the bulletin would be accomplished by adding several new construction drawings, revising some drawings included in the present edition of the bulletin, and deleting some present drawings. The resulting bulletin would be a complete

USDA—REA **Final Rule Stage**

specification with which REA electric borrowers could construct their underground rural electric distribution systems using state-of-the-art materials, equipment, and construction methods.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	52 FR 49417
NPRM Comment Period End	02/29/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave,. SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA35

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Completed Actions

249. LOAN ACCOUNT COMPUTATIONS, PROCEDURES AND POLICIES

Significance: Agency Priority

CFR Citation: 7 CFR 1785.64 to 1785.65

Completed:

Reason	Date	FR Cite
Withdrawn	08/09/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA19

250. CUSHION OF CREDIT ACCOUNT COMPUTATIONS AND PROCEDURES

Significance: Agency Priority

CFR Citation: 7 CFR 1785.66 to 1785.70

Completed:

Reason	Date	FR Cite
Final Action	04/05/89	54 FR 12184
Final Action Effective	04/05/89	54 FR 12184

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA22

251. GENERAL POLICIES, TYPES OF LOANS, LOAN REQUIREMENTS - TELEPHONE PROGRAM PRELOAN PROCEDURES AND REQUIREMENTS - TELEPHONE PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1745; 7 CFR 1749

Completed:

Reason	Date	FR Cite
Final Action	04/03/89	54 FR 13345
Final Action Effective	04/03/89	54 FR 13345

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA28

252. ADVANCE AND DISBURSEMENT OF FUNDS; TELEPHONE LOAN PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 1754.9

Completed:

Reason	Date	FR Cite
Final Action	03/24/89	54 FR 12184
Final Action Effective	09/00/89	54 FR 12184

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr. 202 382-9552

RIN: 0572–AA32

BILLING CODE 3410-15-T

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Proposed Rule Stage

253. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None
No action required. A governmentwide regulation has been issued.

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of Federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA12

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Soil Conservation Service (SCS)

254. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1896; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with State agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	
Final Action	10/01/90	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA00

255. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653, Sec 8; Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA01

256. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: None

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA) made by Title XII of the Food Security Act of 1985, PL 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Sectors Affected: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, PO Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578–AA14

BILLING CODE 3410-90-T

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Office of Operations (OO)

257. AGRICULTURE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 401 to 453, (Revision)

Legal Deadline: None

Abstract: This rule anticipates miscellaneous changes to the Department of Agriculture Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Don F. Manns, Chief, Procurement Division, Department of Agriculture, Office of Operations, Procurement Division, 1550-South, Washington, DC 20250, 202 447-3037

RIN: 0599–AA00

BILLING CODE 3410-90-T

[FR Doc. 89-22480 Filed 10-27-89; 8:45 am]

federal register

Monday
October 30, 1989

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, III, IV, VII, VIII, IX

19 CFR Ch. III

37 CFR Chs. I, IV

48 CFR Ch. 13

50 CFR Chs. II, VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: October 1989 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Public Law 96-354), the Department of Commerce in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next twelve months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the April 1989 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's October 1989 regulatory agenda includes regulatory activities that are expected to be conducted during the period October 1, 1989, through September 30, 1990.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 377-8843.

SUPPLEMENTARY INFORMATION: Executive Order 12291 requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 89-12, issued July 5, 1989, establishes guidelines and procedures for the preparation and publication of the October 1989 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: The title of the regulation; the name, title, address, and phone number of an agency person who is knowledgeable about the regulation; whether the action is expected to have a significant economic impact on a substantial number of small entities and whether it will affect levels of government; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law, or Executive order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action. In addition, the Bulletin requires that procurement-related regulatory actions include additional information on all actions that are covered by section 22 of the Office of Federal Procurement Policy Act Amendments of 1988 and all other actions that will result in a change or addition to the Federal Acquisition Regulation System. This procurement-related information is listed under Additional Information and will be used by the Office of Federal Procurement Policy in preparing the "Procurement Regulatory Activity Report."

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the Order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS) issued by NIST under Public Law 100-235. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines and in providing technical guidance and coordination to Federal agencies, NIST works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (Act) (16 U.S.C. 1801 *et seq.*) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require

DOC

conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently, NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC October 1989 regulatory agenda follows.

Dated: August 28, 1989.

Michael A. Levitt,

Acting General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
258	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
259	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
260	Program Fraud Civil Remedies	0690-AA14

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
261	Benchmark Survey of U.S. Direct Investment Abroad - 1989	0691-AA15
262	Increase in Exemption Level of the BE-11, Annual Survey of U.S. Direct Investment Abroad	0691-AA16

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
263	Change in Reporting Requirements of the BE-15, Annual Survey of Foreign Direct Investment in the United States	0691-AA14

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
264	Foreign Trade Statistics Regulations	0607-AA10
265	Foreign Trade Statistics Regulations (FTSR)	0607-AA12

DOC

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
266	General Requirements for Financial Assistance -- Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
267	Economic Development Administration: Property Management Standards	0610-AA07
268	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
269	Overall Economic Development Program Public Works and Development Facilities Program	0610-AA19
270	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31
271	General Requirements for Financial Assistance -- Nonrelocation	0610-AA32
272	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
273	Liability for Hazardous Substances Associated with EDA Loans and Loan Guarantees	0610-AA36
274	Adjustment Grants -- Revolving Loan Funds	0610-AA37
275	Economic Development Districts, District Organization; Civil Rights Requirements	0610-AA38
276	Area Designation - Special Impact Areas	0610-AA39
277	Public Works - Industrial Parks and Sites	0610-AA40
278	Direct and Supplementary Grants for Public Works and Development Facilities - Supplementary Grant Rates	0610-AA41
279	Public Works and Development Facilities Programs - Grant Disbursements	0610-AA42
280	General Requirements for Financial Assistance - Electric and Gas Facilities	0610-AA43
281	Overall Economic Development Program - Progress Report	0610-AA44

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
282	Nonprocurement Debarment and Suspension	0605-AA02

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
283	Uniform Administrative Requirements for Grants and Cooperative Agreements	0605-AA04
284	Nonprocurement Debarment and Suspension and Government Requirements for Drug-Free Workplace (Grants)	0605-AA05

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
285	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
286	Antidumping Duties	0625-AA29
287	Allocation of Apparel Tariff-Rate Quota Under the U.S.-Canada Free Trade Agreement	0625-AA30
288	Antidumping Duties; Countervailing Duties	0625-AA32

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
289	Adjustment Assistance for Firms and Industries	0625-AA05
290	Countervailing Duties	0625-AA31
291	Procedures and Rules for Implementing Article 1904 of the United States-Canada Free Trade Agreement	0625-AA33

DOC

Bureau of Export Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
292	Defense Priorities and Allocations System (DPAS)	0694-AA02
293	Definition of Supercomputer	0694-AA03
294	General License GFW	0694-AA07
295	Decontrol of Medical Equipment and Goods Containing Controlled Parts and Components	0694-AA09
296	Revision of Foreign Availability Regulations	0694-AA10
297	Revision of Foreign Boycott Provisions of Export Administration Regulations	0694-AA11
298	General License G-TEMP; Temporary Export	0694-AA12

Bureau of Export Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
299	Revisions to Short Supply Regulations	0694-AA01
300	Amendment of Validated License Controls on Magnetically Enhanced Sputtering Equipment	0694-AA05
301	Exports from Abroad of Foreign Products Incorporating U.S. Origin Parts and Components	0694-AA06
302	Reexports from CoCom Countries	0694-AA13
303	Shipper's Export Declaration: Removal of Requirement that Separate Declarations Must Be Filed for General License and Validated License Commodities in the Same Shipment	0694-AA14
304	Revisions to the Export Administration Regulations Based on CoCom Review	0694-AA16
305	General License GTDA: Technical Data Available to All Destinations	0694-AA17
306	Revision of General License GIFT	0694-AA26

Bureau of Export Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
307	Decontrol of Certain Personal Computers	0694-AA04
308	Hong Kong Import Certificate; Replacing Hong Kong Import License as Required Support Document	0694-AA15
309	Removal of "Advice of the Manufacturer" Provision	0694-AA18
310	Export Licenses; Revision to Instructions for Form BXA-622P	0694-AA19
311	General License GATS	0694-AA20
312	General License G-COCOM	0694-AA21
313	Reexports into CoCom Participating Countries	0694-AA22
314	Export Administration Regulations: Technical Corrections	0694-AA23
315	Import Certificate/Delivery Verification Procedure for Australia; Termination of Grace Period	0694-AA24
316	Carbon Thermal Insulating Material ECCN 1734A; Decontrol to Country Groups T and V	0694-AA25

National Institute of Standards & Technology—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
317	FIPS for C Programming Language	0693-AA48
318	FIPS for Recorded Formats for One- and Two-Sided 5.25 Inch (130 mm) and 3.5 Inch (90 mm) Flexible Disk Cartridges	0693-AA54
319	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 Track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
320	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
321	FIPS for Electronic Business Data Exchange	0693-AA62
322	FIPS for Applications Portability Profile	0693-AA65
323	FIPS for Conformance Testing Policy and Procedures	0693-AA66
324	Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard	0693-AA68
325	Revision of FIPS 146, Government Open Systems Interconnection Profile (GOSIP)	0693-AA69
326	FIPS for POSIX System Administration	0693-AA71

DOC

National Institute of Standards & Technology—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
327	FIPS for Digital Cartographic Data	0693-AA73
328	FIPS for Fiber Distributed Data Interface (FDDI)	0693-AA74
329	FIPS for Open Systems Interconnection (OSI) Transport Layer Security Protocol (SP4)	0693-AA75
330	FIPS for IRDS Export/Import File Format	0693-AA76
331	FIPS for IRDS Services Interface	0693-AA77

National Institute of Standards & Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
332	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
333	Revision of FIPS 151, POSIX: Portable Operating System Interface for Computer Environments	0693-AA49
334	Extensions to FIPS 127, Database Language SQL	0693-AA63
335	FIPS for Document Application Profile (DAP) for the Office Document Architecture (ODA) and Interchange Format Standard	0693-AA67
336	FIPS for POSIX Shell and Tools	0693-AA70
337	FIPS for User Interface Component of the Applications Portability Profile	0693-AA72
338	Revision of FIPS 21-2, COBOL	0693-AA78

National Institute of Standards & Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
339	FIPS Pub 156, Information Resource Dictionary System (IRDS)	0693-AA38

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
340	Marine Fishery User Fees	0648-AB87
341	Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries	0648-AC19
342	Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan	0648-AC43
343	Amendment 3 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AC79
344	Blue Mussel Fishery Management Plan	0648-AC84
345	Amendment 4 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AC88
346	Depletion of the Coastal-Migratory Stock of Bottlenose Dolphins in the U.S. Mid-Atlantic	0648-AD02
347	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
348	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom etc	0648-AA46
349	U.S. General Standards for Grades of Shrimp	0648-AA47
350	Regulations on Striped Bass in Exclusive Economic Zone Off North East Atlantic Coast	0648-AB25
351	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
352	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery Off Alaska; Regulatory Amendment	0648-AB51

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
353	Amendment 1 to the Swordfish FMP	0648-AB92
354	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
355	Amendment 1 Gulf of Mexico Reef Fish Fishery Management Plan	0648-AC16
356	Amendment 3 to the American Lobster Fishery Management Plan	0648-AC28
357	Amendment 2 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic	0648-AC29
358	Reporting Requirements Governing Salmon Taken Off Alaska and Delivered or Landed Outside Alaska	0648-AC39
359	Regulatory Amendment to the Fishery Management Plan for the Atlantic Swordfish Fishery	0648-AC41
360	Policy to Require Observers to be Carried on Domestic Fishing Vessels	0648-AC45
361	Bluefish Fishery Management Plan	0648-AC51
362	Scientific Research - Domestic and Foreign Fishing	0648-AC61
363	Regulation to Control Illegal Fishing in the Exclusive Economic Zone (EEZ) and Overfishing Outside the EEZ	0648-AC66
364	Regulatory Amendment for Interaction Between Summer Flounder Fishery and Endangered Species	0648-AC67
365	Regulatory Amendment to the Groundfish of the Bering Sea/ Aleutian Islands Area and Groundfish of the Gulf of Alaska Fishery Management Plans - Definition of Fishery	0648-AC68
366	Regulations Governing the Taking of Small Numbers of Marine Mammals Incidentally to Oil and Gas Exploration in the Beaufort and Chukchi Seas	0648-AC69
367	Foreign Fishing Poundage and Permit Fees, 1990	0648-AC70
368	Interim Fishing Vessel Capital Construction Fund Procedures	0648-AC71
369	Amendment 18 to the FMP for Groundfish of the Gulf of Alaska and Amendment 13 to the FMP for Groundfish of the Bering Sea/ Aleutian Islands	0648-AC72
370	Resubmitted Part of Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC75
371	Amendment 5 to the Fishery Management Plan for Coastal Migratory Pelagic Resources	0648-AC77
372	Amendment 19 to the FMP for Groundfish of the Gulf of Alaska and Amendment 14 to the FMP for Groundfish of the Bering Sea and Aleutian Islands	0648-AC80
373	Amendment 1 to the Fishery Management Plan for the Summer Flounder Fishery	0648-AC83
374	Amendment 10 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California Commencing in 1978 (FMP)	0648-AC85
375	Regulatory Amendment to the Fishery Management Plan for the Gulf of Mexico and South Atlantic Spiny Lobster Fishery	0648-AC86
376	Regulatory Amendment to the Fishery Management Plan for Atlantic Billfish	0648-AC87
377	Resubmitted Part of Amendment 3 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AC89
378	Amendment 6 to the Northern Anchovy Fishery Management Plan	0648-AC95
379	Amendment 2 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AC96
380	Regulatory Amendment To Establish a Special Management Zone (SMZ) in Dade County, Florida	0648-AC97
381	Groundfish of the Gulf of Alaska and Groundfish of the Bering Sea and Aleutian Islands: Regulatory Amendment	0648-AC98
382	Amendment 4 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery	0648-AC99
383	Amendment 3 to the Fishery Management Plan for the Atlantic Sea Scallop Fishery	0648-AD00
384	Atlantic Bluefin Tuna Fishery	0648-AD01
385	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
386	Fagatele Bay National Marine Sanctuary	0648-AA74
387	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
388	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
389	Proposed Regulations for the Gulf of the Farallones National Marine Sanctuary	0648-AC05
390	Proposed Regulations for the Monterey Bay National Marine Sanctuary	0648-AC63
391	The Monitor National Marine Sanctuary	0648-AC78
392	Regulations Implementing 1990 Amendments to the Coastal Zone Management Act	0648-AC90
393	Proposed Regulations for the Northern Puget Sound National Marine Sanctuary	0648-AC91
394	Proposed Regulations for the Norfolk Canyon National Marine Sanctuary	0648-AC92
395	Proposed Regulations for the Western Washington Outer Coast National Marine Sanctuary	0648-AC93
396	Proposed Regulations for the Stellwagen Bank National Marine Sanctuary	0648-AC94
397	National Sea Grant Program Funding Regulations	0648-AC54
398	Licensing of Private Remote Sensing Space Systems	0648-AC64

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
399	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
400	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46

DOC

National Oceanic and Atmospheric Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
401	Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters	0648-AB79
402	U.S. Standards for Grades of Fish Fillets	0648-AC12
403	Implementation of Conditionally Approved Measures Under Amendment 1 to the Spiny and Slipper Lobster FMP in the Gulf of Mexico and South Atlantic - Permits and Bag Limits	0648-AC25
404	Fish and Seafood Promotion	0648-AC27
405	Atlantic Tuna Fisheries - Regulatory Amendment	0648-AC40
406	Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations	0648-AC65
407	Fishermen's Protective Act	0648-AC73
408	Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area	0648-AC81
409	Pacific Coast Groundfish Fishery - Regulatory Amendment to Facilitate Enforcement	0648-AC82
410	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
411	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
412	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
413	Safety of United States Observers Aboard Foreign Fishing Vessels	0648-AB94
414	Partial Approval of Amendment 3 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AC15
415	Amendment 12 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Area	0648-AC32
416	Fishery Management Plan for King and Tanner Crab in the Bering Sea and Aleutian Islands	0648-AC34
417	Amendment 17 to the FMP for Groundfish of the Gulf of Alaska	0648-AC42
418	Amendment 3 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AC44
419	Amendment 9 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California	0648-AC49
420	Amendment 4 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC55
421	Regulatory Amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico - The Tortugas Sanctuary	0648-AC56
422	Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 East Longitude - Regulatory Amendment	0648-AC57
423	Regulatory Amendment To Clarify Trip Limit Regulations for the Pacific Coast Groundfish and Salmon Fisheries	0648-AC59
424	Guidelines for Fishery Management Plans	0648-AC62
425	Amendment 12a to the Groundfish of the Bering Sea and Aleutian Islands Area FMP - Incidental Catch Limits of Crabs and Halibut	0648-AC74
426	Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC76
427	Rulemaking to Implement 1985 Reauthorization of the Coastal Zone Management Act (CZMA)	0648-AC02
428	Proposed Regulations for the National Marine Sanctuary Program	0648-AC53

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
429	Foreign Filing License Requirements	0651-AA09
430	Miscellaneous Changes in Patent Practice	0651-AA34

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
431	Variety Denomination Requirements for Plant Patent Applications	0651-AA12
432	Duty of Disclosure - Information Disclosure Statement	0651-AA27

DOC

Patent and Trademark Office—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
433	Requirements for Patent Applications Containing DNA/RNA and Protein Sequence Disclosures	0651-AA37
434	Patent and Trademark Automated Search System Fees	0651-AA40

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
435	Deposit of Biological Materials for Patent Purposes	0651-AA13
436	Requests for Reconsideration in Patent and Trademark Office Disciplinary Proceedings	0651-AA33
437	Amendments of Patent and Trademark Rules Concerning Judicial Review of Decisions	0651-AA35
438	Amendments of Trademark Rules Governing Inter Partes Proceedings; Miscellaneous Amendments of Other Trademark Rules	0651-AA36
439	Amendments of the Trademark Rules to Implement the Trademark Law Revision Act and the "Crocker" Decision and Miscellaneous Trademark Rule Amendments	0651-AA38
440	Exhaustion of Administrative Remedies in Patent and Trademark Office Disciplinary Proceedings	0651-AA41
441	Patent Term Extension for Animal Drug Products	0651-AA42

Technology Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
442	Administration of a Uniform Patent Policy with Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05

Technology Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
443	Licensing of Government-Owned Inventions	0692-AA04
444	Metric Conversion Policy for Federal Agencies	0692-AA07

United States Travel and Tourism Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
445	Travel Promotion Fee	0644-AA00

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Proposed Rule Stage

258. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Department of Commerce, Office of the Secretary, Office of Procurement and Administrative Ser, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-5750

RIN: 0690–AA08

259. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Department of Commerce, Office of the Secretary, Office of Procurement and Administrative Ser, 14th Street and Constitution Ave., NW, Washington, DC 20230, 202 377-5750

RIN: 0690–AA13

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Final Rule Stage

260. PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3809

CFR Citation: 15 CFR 25

Legal Deadline: None

Abstract: This rule, if promulgated, would implement the Program Fraud Civil Remedies Act of 1986 which authorizes the Department of Commerce (and certain other Federal agencies) to impose through administrative adjudication civil penalties and assessments against persons making false claims or statements to it.

Timetable:

Action	Date	FR Cite
NPRM	07/06/89	54 FR 28430
NPRM Comment Period End	08/07/89	54 FR 28430
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry Walz, Chief, Contract Law Division, Room 5893, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-1122

RIN: 0690–AA14

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

261. BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD - 1989

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will replace the existing rule 15 CFR 806.16 with a new rule to provide for the conduct of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad--1989, as required by the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially Sec. 4(b) of the Act). The existing rule covers a similar survey for 1982, which has been completed and which the 1989 survey will update.

DOC—BEA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA15

262. ● INCREASE IN EXEMPTION LEVEL OF THE BE-11, ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Legal Authority: 22 USC 3101 to 3108; Int'l Investment & Trade in Svcs. Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will raise the overall exemption level for the BE-11 Annual Survey of U.S. Direct Investment Abroad, and for reporting individual foreign affiliates on Forms BE-11B and BE-11C in that survey, from $10 million to $15 million. The purpose of the action is to bring the exemption level into conformance with that for Form BE-10B(LF) for reporting foreign affiliates in the Benchmark Survey of U.S. Direct Investment Abroad--1989. In addition, the action will require filing, in one or more annual surveys between benchmark surveys, Form BE-11C for nonbank foreign affiliates owned at least 10 percent, but less than 20 percent, by the U.S. reporter and for which total assets, sales, or net income exceeds $100 million. Some reporting between benchmark surveys by large, 10-20 percent-owned foreign affiliates is needed to support reliable estimates for the universe of all foreign affiliates.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	
Final Action	01/00/91	
Final Action Effective	02/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW., Room 1008, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA16

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

263. CHANGE IN REPORTING REQUIREMENTS OF THE BE-15, ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action institutes a short form in the BE-15, Annual Survey of Foreign Direct Investment in the United States, for reporting by U.S. affiliates with assets, sales, or net income greater than the $10 million exemption level but with no one of the three items greater than $20 million. In its notice of proposed rulemaking of September 20, 1988, BEA proposed raising the BE-15 exemption level from $10 to $20 million. After careful consideration of public comments received, however, BEA decided to leave the exemption level at $10 million to maintain the quality of the data in those few country, industry, and State cells in which small investments account for a significant share of the total. The short form is instituted in an effort to keep the reporting burden to a minimum.

Timetable:

Action	Date	FR Cite
NPRM	09/20/88	53 FR 36468
NPRM Comment Period End	11/21/88	
Final Action	01/13/89	54 FR 1351
Final Action Effective	02/13/89	54 FR 1351

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA14

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

264. FOREIGN TRADE STATISTICS REGULATIONS

Significance: Regulatory Program

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None

Abstract: Review of 15 CFR 30 for changes to conform with the new statistical classification (harmonized) system for imports and exports. This review will combine elements of housekeeping changes, updating obsolete information, clarification, bringing the system into line with harmonization (including metric measurements) and conformance of reporting with current practices. There should be no added burden or cost placed on the public because no

DOC—CENSUS **Proposed Rule Stage**

additional information is required, nor new reporting requirements.

The benefits of these changes will be: allowing direct comparisons between U.S. imports and exports, enabling comparisons between trade balances of the United States and of our major trading partners.

With the passage of the Omnibus Trade and Competitiveness Act of 1988 there is no alternative to making these changes in order to conform to the legislation.

Additionally, Section 30.24 will be revised to be consistent with Customs Regulations by eliminating the "four-day rule" regarding submission of "Shipper Export Declarations."

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: **Don L. Adams**, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Washington, DC 20233, **301 763-5342**

RIN: 0607–AA10

265. ● FOREIGN TRADE STATISTICS REGULATIONS (FTSR)

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.58

Legal Deadline: None

Abstract: We propose to amend the Foreign Trade Statistics Regulations (FTSR) to raise the present exemption for filing Shipper's Export Declarations (SEDs) (except for shipments requiring a validated export license) from $1500 to $2500. The exemption for shipments through the U.S. Postal Service will remain at $500. Raising the value exemption for filing SEDs to $2500 will relieve the burden of documentation. The benefits accruing to both the public and the Census Bureau by the reduction in the number of SEDs required to be filed and processed outweigh the anticipated loss in statistical detail.

We propose also to amend the FTSR to eliminate the requirements for SEDs for direct exports (except for shipments requiring a validated export license) where the country of ultimate destination is Canada. This change will cause a significant reduction in paperwork and costs to U.S. exporters Federal Government. The Assistant Commissioner for Commercial for Commercial Operations, U.S. Customs Service, concurs with this proposal.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Sectors Affected: All

Agency Contact: **Don L. Adams**, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Foreign Trade Division, Washington, DC 20233, **301 763-5342**

RIN: 0607–AA12

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage

Economic Development Administration (EDA)

266. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE – DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **James F. Marten**, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA05

267. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds are being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

DOC—EDA

Final Rule Stage

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA07

---

268. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	12/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW, Washington, DC 20230, 202 377-5441

RIN: 0610–AA18

---

269. OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	01/00/90	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA19

---

270. SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA31

---

271. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48-month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/87	52 FR 21932
Final Action	02/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA32

---

272. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to protect its interests by enabling EDA to expend funds to care for property acquired by virtue of its lien interest in property purchased or improved with EDA grant funds, including liquidation, litigation, or any other necessary action. The proposed regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	
Final Action Effective	04/00/90	
Proposed Legislation	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA35

273. LIABILITY FOR HAZARDOUS SUBSTANCES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from hazardous substances on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA36

274. ADJUSTMENT GRANTS -- REVOLVING LOAN FUNDS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 308

Legal Deadline: None

Abstract: This would amend EDA's rule on adjustment grants to provide that revolving loan fund (RLF) grants are held in trust by the grantee as trustee for the benefit of borrowers and potential borrowers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/88	53 FR 12510
Final Action	12/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th St. & Constitution Ave., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA37

275. ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 303; 13 CFR 311

Legal Deadline: None

Abstract: At the request of the Department of Justice, the Economic Development Administration (EDA) is revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/90	
Final Action	03/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert Hoover Bldg., 14th St. Between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA38

276. AREA DESIGNATION - SPECIAL IMPACT AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: EDA is deleting its 12-month annual average unemployment rate based upon the calendar year, for Special Impact Area (SIA) designation. Under the current calendar year qualifier, it would be possible that an area's qualifying calendar 1987 average rate could be used in support of its SIA designation as late as February 1989 regardless of a subsequently available, non-qualifying 12-month (non-calendar) rate. This could happen since 1988 calendar year average rates for areas will not be computed by state employment security agencies until February 1989, and EDA will not receive such data until March 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/14/88	53 FR 50206
Final Action	01/00/90	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA39

277. PUBLIC WORKS - INDUSTRIAL PARKS AND SITES

Legal Authority: 42 USC 3211; Department of Commerce - Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/90	
Final Action	04/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA40

278. ● DIRECT AND SUPPLEMENTARY GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES - SUPPLEMENTARY GRANT RATES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 301.2; 13 CFR 305.5

Legal Deadline: None

Abstract: EDA will amend its supplementary grant rate regulations at 13 CFR 301.2 and 305.5 by changing the citation from "The Disaster Relief Act of 1974 (Pub. L. 93-288)" to "The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 100-707)." The Stafford Act amends and recodifies the Disaster Relief Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	
Final Action	01/00/90	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA41

279. ● PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAMS - GRANT DISBURSEMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 305.89

Legal Deadline: None

Abstract: EDA will amend its rule on disbursements under grants at 13 CFR 305.89 to change the title to refer only to grants, since public works loans are no longer made; and at 305.89(b) to omit any reference to increasing the maximum amount allowable, since EDA's grant rate/amount maximum as stated in the grant award cannot subsequently be increased after the project has been completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	
Final Action	02/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA42

280. ● GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - ELECTRIC AND GAS FACILITIES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.4

Legal Deadline: None

Abstract: EDA will amend its rule on financing gas or electrical facilities to omit references to primary or secondary functions, to be consistent with PWEDA [42 USC 3214(e)].

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	
Final Action	02/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA43

DOC—EDA **Final Rule Stage**

281. ● OVERALL ECONOMIC DEVELOPMENT PROGRAM - PROGRESS REPORT

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 304.8

Legal Deadline: None

Abstract: EDA will amend its reporting requirements for Overall Economic Development Program (OEDP) periodic revisions to coincide with the previous project's final report, and the time of submission of the next grant period work program and application. This change applies to EDA's planning grant recipients.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	
Final Action	01/00/90	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue, NW., Washington, DC 20230, 202 377-4687

RIN: 0610–AA44

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage
General Administration (ADMIN)

282. NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: The proposed amendment to the existing rule will identify Department of Commerce programs which are exempted from coverage by the rule.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA02

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage
General Administration (ADMIN)

283. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None

Abstract: This action states the administrative requirements governing grants to governments and nongovernmental entities. It is intended to simplify and standardize the Federal grant process and eliminate redundant and inconsistent administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert M. McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, Office of Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA04

284. NONPROCUREMENT DEBARMENT AND SUSPENSION AND GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690, Sec 5151 to 5160, Drug-Free Workplace Act of 1988

CFR Citation: 15 CFR 26

Legal Deadline: Final, Statutory, February 16, 1989.

Abstract: This interim final rule requires grantees of Federal agencies to certify that they will provide drug-free workplaces and imposes sanctions on those who fail to comply with provisions of the rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 04947
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. NcNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA05

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

285. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 7151
NPRM Comment Period End	04/19/83	48 FR 7188

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA04

286. ANTIDUMPING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353

Legal Deadline: None

Abstract: Revisions will codify existing administrative practice with respect to the identification and measurement of dumping. Revisions also will account for statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and make the antidumping law more accessible to the public.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/89	54 FR 05092
ANPRM Comment Period End	03/20/89	
NPRM	10/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA29

287. ALLOCATION OF APPAREL TARIFF-RATE QUOTA UNDER THE U.S.-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: PL 100-449, Section 202(g); U.S.-Canada Free Trade Agreement Implementation Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The U.S.-Canada FTA reduces tariffs on textile and apparel products considered to be of U.S. or Canadian origin under the "rules of origin" established by the Agreement. Generally, apparel made in the U.S. or Canada from fabric sourced in a third country will not be considered to be of U.S. or Canadian origin for FTA purposes. Goods which do not qualify for the FTA rate will be subject to the regular most-favored-nation (MFN) rate. However, the FTA also establishes an annual tariff-rate quota (TRQ) under which a limited quantity of apparel products that do not meet the FTA's rules of origin will still be entitled to the FTA duty. As Canadian tariffs on U.S. apparel exports decline, U.S. apparel firms should have a growing incentive to export to Canada, but will need some predictability as to which duty their goods will be subject to. Unless the Department implements an allocation system, we may find that U.S. firms will either face the chaos of an annual rush to the border to ensure their share of the TRQ or will ignore a lucrative export market to avoid the uncertainties of the TRQ.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	
NPRM Comment Period End	12/31/89	
Final Action	06/30/90	
Final Action Effective	01/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ronald I. Levin, Director, Office of Textiles and Apparel, Department of Commerce, International Trade Administration, Room 3100, U.S. Department of Commerce, Washington, DC 20230, 202 377-5078

RIN: 0625–AA30

288. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1671 et seq; 19 USC 1673 et seq

CFR Citation: 19 CFR 300 to 399

Legal Deadline: None

Abstract: Revisions to the current antidumping duty and countervailing duty regulations are needed on an expedited basis in order to conform those regulations to certain statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. Those amendments deal with (1) downstream product monitoring; (2) consultations with the International Trade Commission on certain scope rulings; (3) procedures for administrative protective orders; (4) correction of ministerial errors; and (5) effective dates. The revisions will enable the Department to apply the new statutory provisions in an orderly and efficient basis.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

DOC—ITA

Proposed Rule Stage

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA32

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

289. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Additional Information: Further action on this regulation is under study by the Department.

Agency Contact: Michael W. Rubinoff, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625–AA05

290. COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 355

Legal Deadline: None

Abstract: Current countervailing duty regulations will be revised to codify existing administrative practice with respect to the identification and measurement of subsidies. Revisions also will take into account statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and will make the countervailing duty law more accessible to the public.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23366
NPRM Comment Period End	07/31/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Council for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA31

291. PROCEDURES AND RULES FOR IMPLEMENTING ARTICLE 1904 OF THE UNITED STATES-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: 19 USC 1516a; 19 USC 1677f(d); PL 100-449, Title IV

CFR Citation: 19 CFR 356

Legal Deadline: None

Abstract: Chapter 19 of the U.S.-Canada Free Trade Agreement established a system under which final antidumping and countervailing duty determinations of both the United States and Canada are subject to review by independent binational panels. The legislation implementing the Agreement authorized the Department to issue regulations necessary to implement Chapter 19. Regulations are necessary to establish procedures concerning notice of intent to seek judicial review, requests for panel review, notice of receipt by Canada of class or kind determinations, continued suspension of liquidation pending panel review, release of business proprietary and privileged information under protective order during a panel review, and sanctions for violations of such protective orders. The interim rule became effective January 1, 1989, the date the Agreement entered into force.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53232
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA33

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Proposed Rule Stage

292. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Legal Authority: 50 USC 2061 et seq; EO 10480

CFR Citation: 15 CFR 350

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of Title I of the Defense Production Act of 1950, as amended. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, 202 377-3634

RIN: 0694–AA02

293. ● DEFINITION OF SUPERCOMPUTER

Legal Authority: 50 USC app 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: NPRM, Statutory, November 21, 1989.

Abstract: This proposed rule amends the EAR to provide a definition for the term "supercomputer." Section 5(a)(6) of the Export Administration Act, as amended by the 1988 Trade Act, requires that a definition be included in the EAR. An earlier proposed rule on this subject was published in the Federal Register on 12/5/88. Due to the variety of comments received on the definition, BXA developed a revised definition and is reissuing the rule in proposed form with request for comments. The revised definition contains two significant features. First, a supercomputer is defined as any computer having a theoretical peak performance capability equal to or greater than 100 MFLOPS (million floating point operations per second). Second, the revised definition establishes two threshold levels - 150 MFLOPS and 200 MFLOPS - for the imposition of security safeguards. The level to be applied will depend on the country of destination (e.g., CoCom/5(k) countries).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA03

294. ● GENERAL LICENSE GFW

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; EO 12525; EO 12532

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: Section 5(b)(3)(A) of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) requires the removal of all Administrative Exception (AEN) level national security based licensing requirements on all exports to Free World countries. However, there are nuclear, missile technology, and foreign policy concerns involved with the implementation of these revisions, making it necessary to exclude specific items and countries.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	
Effective		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA07

295. ● DECONTROL OF MEDICAL EQUIPMENT AND GOODS CONTAINING CONTROLLED PARTS AND COMPONENTS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 100-418; PL 99-64; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: Section 5(c)(5)(A)(ii) of the OTCA requires the decontrol of medical equipment consistent with section 5(m) of the Export Administration Act (EAA). Section 5(m) was amended by the OTCA to prohibit national security controls under the EAA or any other law on goods solely because they contain controlled parts and components. This regulation will implement this provision of the OTCA. The Bureau of Export Administration is currently preparing a draft of this regulation that will encompass the congressional intent, while protecting our national security interests, and abiding by our CoCom agreements.

Timetable:

Action	Date	FR Cite
NPRM	10/10/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Opacinch, Director, Regulations Branch, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4159

RIN: 0694–AA09

DOC—BXA

Proposed Rule Stage

296. ● REVISION OF FOREIGN AVAILABILITY REGULATIONS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 791

Legal Deadline: None

Abstract: Part 791 of the Export Administration Regulations (EAR) establishes the procedures and criteria for initiating and reviewing claims of foreign availability on items controlled for national security purposes. With this notice the Department is proposing to revise Part 791 of the EAR. The revision of the foreign availability regulations is necessary because of legislative changes to the program by the "Trade Act" of 1988, and OFA's own experiences with the program. It is expected that this revision will improve the Foreign Availability process and the effectiveness of the program thereby enhancing national security and improving U.S. competitiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Roberts, Director of Special Projects, Department of Commerce, Bureau of Export Administration, Office of Foreign Availability, Room SB-701, Washington, DC 20230, **202 377-8074**

RIN: 0694–AA10

297. ● REVISION OF FOREIGN BOYCOTT PROVISIONS OF EXPORT ADMINISTRATION REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 769

Legal Deadline: None

Abstract: The Department proposes to revise the foreign boycott provisions of the Export Administration Regulations. The revisions would clarify the application of: (1) the intent provision to the reporting requirement; (2) the jurisdictional requirements relating to the implementation of letters of credit; (3) the furnishing information prohibitions to information about the nationality of directors and about blacklisted persons; (4) the shipping requirement exception to refusals to use blacklisted vessels; and (5) the import and shipping document exception to information about the nationality of carriers and residence of manufacturers or suppliers. The revisions are intended to clarify areas of confusion. In addition, the proposal would remove many references and provisions dealing with effective dates and grace periods that are no longer applicable.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39415
NPRM Comment Period End	10/26/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jon Paugh, Director, Compliance Policy Division, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 377-4550**

RIN: 0694–AA11

298. ● GENERAL LICENSE G-TEMP; TEMPORARY EXPORT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571; EO 12543

CFR Citation: 15 CFR 771; 15 CFR 772; 15 CFR 773; 15 CFR 774; 15 CFR 786; 15 CFR 790; 15 CFR 799

Legal Deadline: None

Abstract: General License GTE authorizes temporary exports for certain purposes such as exhibition, demonstration, inspection and testing, and requires prompt return to the country of export. This proposed rule would redesignate that license as General License G-TEMP and amend it by removing the registration requirement and by establishing guidelines for the use of the general license. One effect of removing the registration requirement would be that parties abroad who were not eligible to register under the former General License GTE would be able to use G-TEMP as authorization for a permissive reexport in accordance with the appropriate provisions of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, OTPA, Regulations Branch, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA12

DEPARTMENT OF COMMERCE (DOC)

Bureau of Export Administration (BXA)

Final Rule Stage

299. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002; PL 100-418; EO effective December 28, 1988

CFR Citation: 15 CFR 771; 15 CFR 777; 15 CFR 799

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1)

elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products. The Export Administration was made a Bureau in October 1987. The Export Administration Regulations were thereby transferred from 15 CFR 368-399 to 15 CFR 768-799. Furthermore, the Export Administration Act of 1979 was amended on August 23, 1988 by the Omnibus Trade and Competitiveness (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/09/85	50 FR 41131
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Act of 1988 (P.L. 100-418, 102 Stat. 1107). Section 2424 of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amends section 7 of the EAA but will not require regulatory measures.

Agency Contact: Cheryl Opacinch, Director, Regulations Branch, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4531

RIN: 0694–AA01

300. ● AMENDMENT OF VALIDATED LICENSE CONTROLS ON MAGNETICALLY ENHANCED SPUTTERING EQUIPMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 100-418; PL 99-64; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: On June 24, 1987 the President issued a national security override for a finding of foreign availability for certain types of sputtering equipment controlled under ECCN 1355A of the Commodity Control List. As a result of this override, export controls on the equipment were maintained pending the conclusion of negotiations with the source country to eliminate the foreign availability. The statutorily authorized 18-month negotiating period expired on December 24, 1988, with the source country agreeing to eliminate foreign availability for sputtering equipment until May 31, 1989. The source country has since agreed to eliminate foreign availability for certain types of sputtering equipment for an additional period. This rule amends ECCN 1355A by decontrolling to free world destinations that sputtering equipment that the source country has not agreed to control, and by maintaining controls on that equipment for which foreign availability has been eliminated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/89	54 FR 24166
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Pastore, Department of Commerce, Bureau of Export Administration, Office of Foreign Availability, Room SB701, Washington, DC 20230, 202 377-5953

RIN: 0694–AA05

301. ● EXPORTS FROM ABROAD OF FOREIGN PRODUCTS INCORPORATING U.S. ORIGIN PARTS AND COMPONENTS

Significance: Regulatory Program

Legal Authority: 50 USC app 2401; PL 96-72; PL 97-145; PL 99-64; PL 100-418; EO 12525

CFR Citation: 15 CFR 776

Legal Deadline: None

Abstract: In accordance with section 5(a) (A) of the EAA, as amended by the 1988 Trade Act, this rule revises section 776.12 of the EAR to reduce export and reexport controls on U.S.-origin parts and components incorporated in foreign-made products. Under section 776.12 prior authorization is not required when U.S.-origin content comprises 25 percent or less and the foreign-made product is exported to a country listed in Supplements 2 and 3 to Part 773, i.e., countries cooperating in nuclear non-proliferation policy. This interim rule revises section 776.12 to apply the 25 percent exemption to all destinations, except the embargoed countries. The 10 percent exemption, but not the dollar value limitation, is continued for these proscribed destinations. The rule also exempts from control foreign-made products incorporating U.S.-origin content consisting of low level technology specifically designated on the Commodity Control list.

Timetable:

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49327
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA06

302. ● REEXPORTS FROM COCOM COUNTRIES

Legal Authority: 50 USC app. 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: Section 774.3(e) of the Export Administration Regulations provides that "separate specific reexport authorization by the Office of Export Licensing is not required" for reexports of U.S.-origin goods from CoCom countries to the Soviet Bloc if certain conditions are met. One of these conditions is that the "reexport receive unanimous approval from CoCom." Section 774.3(e) allows reexports of General-Exception level U.S. commodities from CoCom countries to the Soviet Bloc without a separate U.S. reexport authorization because the U.S. has an opportunity to review (and object to) these transactions in CoCom. Reexports of U.S. goods eligible for Administrative Exception treatment require a separate U.S. reexport authorization because the U.S. does not have an opportunity to review these cases in CoCom. Consistent with streamlining this regulation the agency

may propose a regulation that will eliminate reexport authorization requirements for Administrative-Exception-Level U.S. commodities from CoCom countries to Q, W, Y countries.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Opacinch, Director, Regulations Branch, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4159

RIN: 0694–AA13

303. ● SHIPPER'S EXPORT DECLARATION: REMOVAL OF REQUIREMENT THAT SEPARATE DECLARATIONS MUST BE FILED FOR GENERAL LICENSE AND VALIDATED LICENSE COMMODITIES IN THE SAME SHIPMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 786

Legal Deadline: None

Abstract: Section 786.3(h) of the Export Administration Regulations contains certain requirements for listing commodities on the Shipper's Export Declaration (SED). Previously, section 786.3(h)(1) contained a general prohibition against combining general license commodities with validated license commodities on the same SED. This interim rule will amend section 786.3(h) to permit general license commodities and validated license commodities to be listed on the SED. The rule also will revise section 786.3(h) to clarify that the commodities that may be listed on the same SED must be included in one shipment on board a single carrier and must be from the same exporter to the same consignee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA14

304. ● REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS BASED ON COCOM REVIEW

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 773; 15 CFR 799

Legal Deadline: None

Abstract: The Bureau of Export Administration maintains the Commodity Control List (CCL) which identifies those items subject to Department of Commerce export controls. This rule amends a number of List entries in the categories of general industrial equipment and electronics and precision instruments. Amendments to the multilaterally controlled entries on the CCL (specifically, those Export Control Commodity Numbers (ECCNs) that end with "A") have resulted from a review of strategic controls maintained by the U.S. and certain allied countries through the Coordinating Committee (CoCom). Such multilateral controls restrict the availability of strategic items to controlled countries. With the concurrence of the Department of Defense, the Department of Commerce has determined that these revisions to the CCL are necessary to protect U.S. national security interests. In addition, this rule amends a listing (in Supplement No. 1 to Part 773 of the Export Administration Regulations) of commodities excluded from special export licensing procedures. These amendments reflect commodity decontrols based on previous reviews of (cont)

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: strategic controls maintained by CoCom.

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA16

305. ● GENERAL LICENSE GTDA: TECHNICAL DATA AVAILABLE TO ALL DESTINATIONS

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 779

Legal Deadline: None

Abstract: On Friday, May 16, 1986, a notice of proposed rulemaking was published in the Federal Register (51 FR 17986). It sought to provide clarified guidelines for the use of Export Administration Regulation section 779.3, General License GTDA, and invited comments from the public. This final rule will include some of the suggestions made in the public comments on that proposed rule, that generally recognized that the guidelines clarified certain ambiguities in the regulations, and yet will conform with existing Commerce Department interpretations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Seevaratnum, Industrial Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, 202 377-5695

RIN: 0694–AA17

306. ● REVISION OF GENERAL LICENSE GIFT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-145; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 771

Legal Deadline: None

Abstract: The Bureau of Export Administration is revising section 771.18 of the Export Administration Regulations (15 CFR Parts Section 768-799), which contains provisions on the applicability of General License GIFT

DOC—BXA

Final Rule Stage

for exports from the United States. General License GIFT authorizes export of parcels from U.S. individuals or charitable organizations overseas. General License GIFT is modified to allow no more than one gift parcel from the same donor to the same donee in any one month. Currently, one parcel may be shipped each week. This change is intended to assure that the license is utilized in conformity with its intended purpose, namely the donative provision of gifts between individuals. Specific authorization to exceed this limit may be granted on a case-by-case basis to meet compelling humanitarian concerns (e.g., gifts of medicine to relatives). The Bureau of Export Administration will grant case-by-case exemptions through issuance of a validated license. For clarity, new text is added on appropriateness of items as gifts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/89	54 FR 19883

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA26

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Completed Actions

307. ● DECONTROL OF CERTAIN PERSONAL COMPUTERS

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: The interim rule removed the validated license requirement for exports of certain personal computers to Free World destinations, for reasons of foreign availability. The subject computers required a validated license to all destinations under ECCN 1565A of the Commodity Control List. The D.A.S. for Export Administration's determination that foreign availability exists for the subject computers was published concurrently with the rule at 54 FR 30103. The final rule removed national security-based validated licensing requirements on exports of certain personal computers to all destinations and supersedes the interim rule published July 18, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/18/89	54 FR 30011
Final Action	08/15/89	54 FR 33662
Final Action Effective	08/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raj Dheer, Department of Commerce, Bureau of Export Administration, Computer Systems Technical Center, Office of Technology and Policy Analysis, Washington, DC 20230, 202 377-2279

RIN: 0694–AA04

308. ● HONG KONG IMPORT CERTIFICATE; REPLACING HONG KONG IMPORT LICENSE AS REQUIRED SUPPORT DOCUMENT

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 99-64; PL 100-418; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 775; 15 CFR 773

Legal Deadline: None

Abstract: Section 775.3 of the Export Administration Regulations (EAR) currently requires that applicants obtain the official duplicate copy of Form 3, Hong Kong Import License, in support of an individual validated license application (Form BXA-622P) for the export to Hong Kong of commodities identified by the code letter "A" following the Export Control Commodity Number. This final rule changes that requirement by instructing exporters to obtain the Hong Kong Import Certificate instead of the Hong Kong Import License. This rule also changes the name and address of the Hong Kong authorities responsible for administering the Hong Kong Import Certificate/Delivery Verification procedure.

Consistent with the grace period provided in section 775.9(b)(2) of the EAR, applicants for export licenses to Hong Kong may continue to use the Hong Kong Import License in support of their applications through July 27, 1989. (54 FR 24888)

Timetable:

Action	Date	FR Cite
Final Action	06/12/89	54 FR 24888
Final Action Effective	06/12/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA15

309. ● REMOVAL OF "ADVICE OF THE MANUFACTURER" PROVISION

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 778

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations by removing reserving section 778.6, "Advice of the Manufacturer." This section had required exporters of goods capable of sensitive nuclear uses to request a written statement from the manufacturer specifying whether a validated license is required for export. The Department has determined that the practical utility of the letter of inquiry and the manufacturer's advice was minimal because section 778.6 stated that "notwithstanding the advice provided by the manufacturer, the exporter remains responsible for filing

an export license application for any export subject to section 778.3." Section 778.3 contains provisions on licensing requirements for export of commodities and technical data with sensitive end-uses.

Timetable:

Action	Date	FR Cite
Final Action	06/01/89	54 FR 23471
Final Action Effective	06/01/89	54 FR 23471

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Opacinch, Chief, Department of Commerce, Bureau of Export Administration, Regulations Branch, Washington, DC 20230, **202 377-4159**

RIN: 0694–AA18

310. ● EXPORT LICENSES; REVISION TO INSTRUCTIONS FOR FORM BXA-622P

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 99-64; PL 100-418; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 773

Legal Deadline: None

Abstract: On February 14, 1989 (54 FR 6643), the Bureau of Export Administration published a final rule that revised the forms necessary to apply for export licenses (BXA-622P, BXA-622P-A, BXA-622P-B, formerly ITA-622P). The new forms allow use of Optical Character Recognition (OCR) for direct recording of export license information into the Commerce Department computer data base, thus eliminating the need for manual entry.

This rule amends Supplement No. 5 to Part 773, establishing new instructions for Distribution License applicants when completing the new Form BXA-622P (54 FR 31812).

Timetable:

Action	Date	FR Cite
Final Action	08/02/89	54 FR 31812
Final Action Effective	08/02/89	54 FR 31812

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA19

311. ● GENERAL LICENSE GATS

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 771

Legal Deadline: None

Abstract: General License GATS authorizes the departure from the United States of foreign registry civil aircraft on temporary sojourn in the United States and of U.S. registry civil aircraft for temporary sojourn abroad. The Bureau of Export Administration (BXA) is amending this General License by replacing the requirement for a letter requesting export authorization for non-returned U.S. registry aircraft, equipment, parts, accessories or components with a Form BXA-699P, request to Dispose of Commodities or Technical Data Previously Exported (54 FR 27159).

Timetable:

Action	Date	FR Cite
Final Action	06/28/89	54 FR 27159
Final Action Effective	06/28/89	54 FR 27159

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA20

312. ● GENERAL LICENSE G-COCOM

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 771; 15 CFR 774; 15 CFR 786

Legal Deadline: None

Abstract: The Omnibus Trade and Competitiveness Act (OTCA) Amended section 5(b)(2) of the Export Administration Act of 1979 (EAA) to allow commodities described in the Advisory Notes for the People's Republic of China to be exported without a license to CoCom participating countries and countries determined to be CoCom comparable. This final rule creates a new general license designated G-COCOM designed for exports to CoCom countries and countries determined to have sufficient export control systems to warrant this benefit under section 5(k) of the EAA. Commodities that may be exported under General License G-COCOM are those described in Supplement No. 2 to Part 771, and those commodities eligible for General License G-COM or GFW. Supplement No. 2 to Part 771 lists commodities that could have been exported to the People's Republic of China with only notification to other CoCom governments as of the date of enactment of the Trade Act.

Some commodities are ineligible for General License G-COCOM because they are controlled for other than national security reasons or because their export requires more than mere (cont)

Timetable:

Action	Date	FR Cite
Final Action	07/11/89	54 FR 29011
Final Action Effective	07/11/89	54 FR 29011

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: notification to CoCom.

A Swiss Blue Import Certificate will be required for exports to Switzerland under this General License G-COCOM. (54 FR 29011)

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, **202 377-2440**

RIN: 0694–AA21

313. ● REEXPORTS INTO COCOM PARTICIPATING COUNTRIES

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; PL 99-440; EO 12525; EO 12532; EO 12571

CFR Citation: 15 CFR 774

Legal Deadline: None

Abstract: The Omnibus Trade and Competitiveness Act (OTCA), signed by the President on August 23, 1988,

amended section 5(a)(4) of the Export Administration Act of 1979 (EAA) to require the removal of controls on most reexports to CoCom and countries qualifying for full benefits under section 5(k) of the EAA. This final rule expands the permissive reexport provisions of 774.2 of the Export Administration Regulations (EAR) (15 CFR 774.2) to allow reexports of U.S. commodities to and among CoCom participating countries, Finland, and Switzerland, without prior U.S. authorization. Certain limited exceptions, e.g., supercomputers, are specified (54 FR 28665).

Timetable:

Action	Date	FR Cite
Final Action	07/07/89	54 FR 28665
Final Action Effective	07/07/89	54 FR 28665

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA22

314. ● EXPORT ADMINISTRATION REGULATIONS: TECHNICAL CORRECTIONS

Legal Authority: 50 USC app. 2401 et seq

CFR Citation: 15 CFR 773; 15 CFR 779; 15 CFR 799

Legal Deadline: None

Abstract: This final rule makes several technical corrections to the Export Administration Regulations (EAR). These corrections address inconsistencies contained in the amendatory instructions of certain amendments to the EAR that were published since the 1988 revision of 15 CFR Parts 768-799. These changes, which neither expand nor limit the provisions of the EAR, affect 773.(d)(2)(iv), Supplement No. 4 to Part 779 (Additional Specifications for Certain Technical Data Requiring a Validated License to all Destinations Except Canada), and Supplement No. 1 to 799.1 (the Commodity Control List) (54 FR 26954).

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/89	54 FR 26954
Final Action	06/27/89	54 FR 26954

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Willard Fisher, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA23

315. ● IMPORT CERTIFICATE/DELIVERY VERIFICATION PROCEDURE FOR AUSTRALIA; TERMINATION OF GRACE PERIOD

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; EO 12525; EO 12532; PL 99-440; EO 12571

CFR Citation: 15 CFR 775

Legal Deadline: None

Abstract: On July 5, 1988 (53 FR 25144) the Bureau of Export Administration published a final rule establishing new documentation requirements for exports to Australia under the Import Certificate/Delivery Verification (IC/DV) procedure. This rule amends the previous rule by establishing the date of June 15, 1989, whereby only the Australian Import Certificate will be accepted to support an export license application for "A" level commodities.

Timetable:

Action	Date	FR Cite
Final Action	05/16/89	54 FR 21050
Final Action Effective	06/15/89	54 FR 21050

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Export Administration Specialist, Department of Commerce, Bureau of Export Administration, Regulations Branch, Room 1622, Washington, DC 20230, 202 377-2440

RIN: 0694–AA24

316. ● CARBON THERMAL INSULATING MATERIAL ECCN 1734A; DECONTROL TO COUNTRY GROUPS T AND V

Legal Authority: 50 USC app 2401 et seq; PL 96-72; PL 97-145; PL 99-64; PL 100-418; PL 95-223; EO 12525; EO 12532; PL 99-440; EO 12571

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: This rule amends the validated license controls on exports of carbon thermal insulating materials controlled under ECCN 1734A on the CCL. Exports of such material no longer require a validated license for exports to Country Groups T and V, except the People's Republic of China and Afghanistan. Previously, these items could be exported under General License GFW to all countries listed in Supplement Nos. 2 and 3 to Part 773 of the Export Administration Regulations. This rule allows exports of these items to all Free World countries under General License G-DEST. This action is intended to streamline U.S. export control requirements without injuring national security interests and make U.S. controls more comparable to those of other suppliers.

Timetable:

Action	Date	FR Cite
Final Action	05/15/89	54 FR 20783
Final Action Effective	05/15/89	54 FR 20783

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Opacinch, Director, Regulations Branch, Department of Commerce, Bureau of Export Administration, Room 1622, Washington, DC 20230, 202 377-4159

RIN: 0694–AA25

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Proposed Rule Stage

317. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
NPRM Comment Period End	04/09/87	52 FR 851

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA48

318. FIPS FOR RECORDED FORMATS FOR ONE- AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 INCH (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA54

319. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA55

320. REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/19/87	52 FR 44462
NPRM Comment Period End	02/17/88	52 FR 44462

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA59

321. FIPS FOR ELECTRONIC BUSINESS DATA EXCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: A group of voluntary industry standards that will facilitate computer-to-computer interchange of procurement data will be adopted as FIPS. Developed by Accredited Standards Committee X12, the standards will provide standard data elements, formats, and contents of electronic messages containing procurement-related information. These standards will reduce paperwork, improve

productivity, and enable more effective information and inventory management.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA62

322. FIPS FOR APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide an architectural approach to applications portability, and will include standard elements that can be used to develop and maintain portable applications. Components of the profile will include database management, data interchange, network services, user interfaces, and programming languages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA65

323. FIPS FOR CONFORMANCE TESTING POLICY AND PROCEDURES

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will specify the policy and procedures for conformance test methods, for conformance testing of implementations of FIPS, and for certifying those implementations that comply with the FIPS requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29249
NPRM Comment Period End	11/01/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA66

324. REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will bring the standard up to date to cover new encryption applications, and new policies for testing for conformance to the standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/88	53 FR 49722
ANPRM Comment Period End	03/09/89	53 FR 49722
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA68

325. REVISION OF FIPS 146, GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE (GOSIP)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision of FIPS 146 will add new protocols to the Government OSI Profile for virtual terminal, end-system to intermediate-system, connection-oriented network service, office document architecture, connectionless transport, and Integrated Services Digital Network (ISDN) technology. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	07/13/89	54 FR 29597
NPRM Comment Period End	10/11/89	54 FR 29597
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA69

326. FIPS FOR POSIX SYSTEM ADMINISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a set of specifications on an interim basis to provide functional system administration requirements for POSIX operating system implementations. Actual utility names and options for system administration will be specified in a future revision to this FIPS. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

DOC—NIST **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA71

327. FIPS FOR DIGITAL CARTOGRAPHIC DATA

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt specifications developed by the Department of the Interior for representing data used in mapping applications. The standard will improve interchange of information among agencies analyzing land use, demographics, and other geographic information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA73

328. ● FIPS FOR FIBER DISTRIBUTED DATA INTERFACE (FDDI)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will adopt five voluntary industry standards that are nearing final approval by ANSI. FDDI is a layered standard for a 100 Mbits fiber optic token ring Local Area Network (LAN).

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA74

329. ● FIPS FOR OPEN SYSTEMS INTERCONNECTION (OSI) TRANSPORT LAYER SECURITY PROTOCOL (SP4)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide for confidentiality and integrity services at the Transport Layer of OSI Systems. The standard will be based on specifications and technical agreements reached through cooperative government and industry efforts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA75

330. ● FIPS FOR IRDS EXPORT/IMPORT FILE FORMAT

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard being developed by standards committee X3H4. The Standard will specify the precise format of files used to exchange information between IRDSs. The specification will complete the IRD-IRD Interface, the functionality of which is specified in FIPS PUB 156.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA76

331. ● FIPS FOR IRDS SERVICES INTERFACE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a draft proposed American National Standard for an Information Resource Dictionary System Services Interface. The standard is an extension of FIPS PUB 156, which adopts ANSI X3.138-1988. The Services Interface addresses the additional need for a programmatic interface through which software external to the IRDS can populate, access, and maintain the contents of an IRDS dictionary and its schema.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA77

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Final Rule Stage

332. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet-switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA39

333. REVISION OF FIPS 151, POSIX: PORTABLE OPERATING SYSTEM INTERFACE FOR COMPUTER ENVIRONMENTS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will revise FIPS 151, which was based on interim specifications, to adopt the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System Interface for Computer Environments (IEEE 1003.1-1988). The standard will adopt completed industry specifications and will facilitate the interchange of computer application programs between different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	54 FR 14829
NPRM Comment Period End	07/12/89	54 FR 14829
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA49

334. EXTENSIONS TO FIPS 127, DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: The proposed extensions will adopt American National Standards (both currently draft standards) to the SQL language for relational databases. One proposal (Draft Addendum ISO 9075/DAD 1) provides features for assuring the correctness of data that is organized in SQL databases. The other proposal specifies interfaces between SQL and other programming languages including Ada, C, COBOL, FORTRAN, PASCAL, and PL/I. Use of these extensions will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8225
NPRM Comment Period End	05/30/89	54 FR 8225
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA63

335. FIPS FOR DOCUMENT APPLICATION PROFILE (DAP) FOR THE OFFICE DOCUMENT ARCHITECTURE (ODA) AND INTERCHANGE FORMAT STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will be based on international standards for office document architecture and office document interchange formats. The profile will provide necessary functionality to enable documents developed on different manufacturers' equipment to be interchanged between systems.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4054
NPRM Comment Period End	04/27/89	54 FR 4054
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA67

336. FIPS FOR POSIX SHELL AND TOOLS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt, on an interim basis, Draft 8.0 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Shell and Application Utility Interface for Computer Operating Systems Environments (IEEE 1003.2/POSIX Shell and Tools). This standard will extend the functionality of the POSIX standard by providing an interactive interface for users to control processing.

DOC—NIST

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24375
NPRM Comment Period End	09/05/89	54 FR 24375
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA70

337. FIPS FOR USER INTERFACE COMPONENT OF THE APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt the X Protocol, Xlib Interface, Xt Intrinsics and Bitmap Distribution Format specifications developed by the Massachusetts Institute of Technology (MIT) for the X Window System. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24372
NPRM Comment Period End	09/05/89	54 FR 24372
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA72

338. ® REVISION OF FIPS 21-2, COBOL

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will adopt the forthcoming addendum (X3.23A-198X) to American National Standard for COBOL which adds an Intrinsic Function facility to the language. The proposed addendum is upwardly compatible with the standard except for the reserved word FUNCTION. This revision will supersede FIPS 21-2, COBOL, which adopts ANSI X3.23-1985.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50435
NPRM Comment Period End	03/15/89	53 FR 50435
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA78

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Completed Actions

339. FIPS PUB 156, INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard adopts ANSI X3.138-1988 which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610
Final Action	04/05/89	54 FR 13729
Final Action Effective	09/25/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA38

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

340. MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation emblems and licenses, and from an assessment on landing or delivery of fish for commercial purposes. Administration costs are estimated to be $6 million annually, with net Federal revenues of approximately $60 million. A bill entitled "The Exclusive Economic Zone Revenue Raising Act of 1988" (HR 5580) was introduced on October 21, 1988. The Administration has not taken any action to have the bill reintroduced in the current session of Congress.

Timetable:

Action	Date	FR Cite
Next steps depend on Congressional action if the bill is introduced	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $6,000,000; Yearly Recurring Cost: $6,000,000; Base Year for Dollar Estimates: 1988

Sectors Affected: 203 Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties

Agency Contact: Robert A. Siegel, Department of Commerce, National Oceanic and Atmospheric Administration, National Economics Staff, 1335 East West Highway, Silver Spring, MD 20910, **301 427-2253**

RIN: 0648–AB87

341. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 652

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Mid-Atlantic Fishery Management Council.

Abstract: Amendment 8 would address current regulatory restraints on industry designed to conserve the resource. The FMP objectives would be modified to promote economic stability, simplify regulations, and to allow more operational flexibility for the industry. Long-term management alternatives to be considered include an Individual Transferable Quota System and other limited effort vessel allocation schemes.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/89	
NPRM	11/15/89	
NPRM Comment Period End	01/01/90	
Final Action	02/20/90	
Final Action Effective	03/20/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC19

342. AMENDMENT 4 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 611.70

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

Abstract: Amendment 4 will restructure and update the Pacific Coast Groundfish FMP to make it a more useful and timely document. It also will consider providing the flexibility to address a wider range of problems. The major issues in Amendment 4 will examine quota management, the application of "optimum yield," the ability to impose management measures for social and economic reasons (as long as the resource will not be jeopardized), deletion of the 30 percent lid on annual inseason increases to ABC and OY, ways to expedite the experimental fishing permit process, and the review and adoption of state regulations.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/90	
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC43

343. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 3 will address biological objectives of the FMP by establishing a "Flexible Area Action

System" to enable the New England Fishery Management Council, its Multispecies Committee, and NMFS to respond in a timely manner to protect large concentrations of juvenile, sublegal, and spawning fish. Under this system, measures ranging from mesh size restrictions to limited closed areas could be implemented. This system is needed to: (1) enhance age-at-entry controls; (2) eliminate the need for certain emergency actions; and (3) respond to requests from the fishing industry for timely action in a way that improves the climate for cooperation and progress between the Council and the fishing industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/30/89	54 FR 35908
ANPRM Comment Period End	10/23/89	
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC79

344. ● BLUE MUSSEL FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 30 days and final action within such time as the Secretary deems appropriate.

Abstract: Secretarial Fishery Management Plan on blue mussels to address the problem of periodic contamination of blue mussels with paralytic shellfish poisoning (PSP), particularly in the Nantucket Shoals area of the EEZ. Monitoring had been provided by the National Shellfish Sanitation Program whose jurisdiction does not extend to the EEZ. Because of cost this effort has become too burdensome and has been discontinued. Factors to be considered are: definition of the management unit, interrelationship of the stock with other managed shellfish stocks in the EEZ and PSP monitoring procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AC84

345. ● AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Legal Authority: 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 will: (1) define overfishing in the northeast multispecies fishery; (2) include silver hake, red hake and ocean pout as regulated species with the appropriate management measures; (3) incorporate ASMFC's northern shrimp recommendations entailing gear and season limits; (4) modify the exempted fishery; and (5) incorporate an experimental fishery for whiting into the FMP.

Timetable:

Action	Date	FR Cite
ANPRM	12/21/89	
NPRM	01/05/90	
NPRM Comment Period End	02/20/90	
Final Action	04/09/90	
Final Action Effective	05/09/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC88

346. ● DEPLETION OF THE COASTAL-MIGRATORY STOCK OF BOTTLENOSE DOLPHINS IN THE U.S. MID-ATLANTIC

Significance: Agency Priority

Legal Authority: 16 USC 1361 et seq. Marine Mammal Protection Act; 16 USC 1383b

CFR Citation: 50 CFR 216.15

Legal Deadline: None

Abstract: Based on a review of the best available information on the status to the coastal-migratory stock of bottlenose dolphins in the U.S. mid-Atlantic, the National Marine Fisheries Service (NOAA Fisheries) is considering the publication of a proposed rule designating this population stock as depleted under the Marine Mammal Protection Act (MMPA). This action is required by the MMPA when a species or population stock falls below its optimum sustainable population (OSP). If this population stock is designated as depleted, the MMPA requires the application of certain additional restrictions on taking and importation, and the preparation and implementation of a conservation plan to restore the stock to OSP. NOAA Fisheries is also requesting any additional scientific information on this action that may be available from interested parties, as required by the MMPA Amendments of 1988.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	
ANPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Georgia Cranmore, Ecologist, Department of Commerce, National Oceanic and Atmospheric

DOC—NOAA

Prerule Stage

Administration, 1335 East-West Hwy, Silver Spring, MD 90210, 301 427-2289

RIN: 0648–AD02

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

347. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307(c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Final Action	08/30/85	50 FR 35210
Decision Whether To Proceed With Rulemaking	10/31/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations. Further revision has been deferred pending review of public comment on the April study, and amendments to the CZMA enacted in 1986. In addition, the CZMA will be reauthorized soon, and amendments to the CZMA may result which would require further regulatory revision. Based on this review, NOAA will evaluate the need for, and consequences of further revision of the regulations.

Agency Contact: Vickie A. Allin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5100

RIN: 0648–AA34

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Proposed Rule Stage

NATIONAL MARINE FISHERIES SERVICE

348. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38881
NPRM Comment Period End	11/06/89	
Interim Final Rule	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AA46

349. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into categories -- U.S. Grades A, B and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as

consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
NPRM	09/21/89	54 FR 38885
NPRM Comment Period End	11/06/89	
Interim Final Rule	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AA47

350. REGULATIONS ON STRIPED BASS IN EXCLUSIVE ECONOMIC ZONE OFF NORTH EAST ATLANTIC COAST

Legal Authority: PL 100-589; 16 USC 1801 et seq; 16 USC 1851

CFR Citation: 50 CFR 656

Legal Deadline: None

Abstract: The Secretary of Commerce, after consultation with other Federal agencies, state agencies, and interested persons will implement regulations to prohibit catching and retaining striped bass in the Exclusive Economic Zone off North Carolina through Maine. This is being done in response to a Congressional directive contained in the Atlantic Striped Bass Conservation Act, and is consistent with the National Standards of the Magnuson Act. These regulations conform to and complement the Atlantic Striped Bass Plan developed by the Atlantic States Marine Fisheries Commission and approved by its member states. Alternatives considered are no action, requiring those fisheries in the EEZ to conform to state regulations, and establishing a Federal Bag limit on catching striped bass in the EEZ. The cost of the preferred alternative is nominal, and appreciable benefits accrue to the migratory striped bass stocks.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
Final Action	11/15/89	
Final Action Effective	12/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: David G. Deuel, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East West Highway, Silver Spring, MD 20910, 301 427-2347

RIN: 0648–AB25

351. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State or local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Potential cost to applicants is estimated at $420. Cost per applicant is estimated at $210. Each applicant will be required to submit a conservation plan as part of the permit process. NEPA, EO 12291 and RFA determinations have not been undertaken.

Agency Contact: Charles Karnella, Chief, Protected Species Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources and Habitat Programs, NMFS, Silver Spring, MD 20910, 301 427-2323

RIN: 0648–AB47

352. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 674; 50 CFR 611.92

Legal Deadline: None

Abstract: As required under PL 98-623, NOAA issues a regulatory amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Jonathan Pollard, Attorney-Advisor, Department of Commerce, National Oceanic and

Atmospheric Administration, NOAA Office of General Counsel-GCAK, P.O. Box 21668, Juneau, AK 99801, 907 568-7414

RIN: 0648–AB51

353. AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will reflect concern for status of swordfish stocks based on recent stock assessments. The U.S. longline fishery now targets tunas and small swordfish in nearshore waters and seeks larger, more valuable swordfish in more distant waters. In an attempt to reduce the fishing mortality of small billfish in the exclusive economic zone, the South Atlantic Council's Amendment 1 would adopt an objective of achieving a specific and reduced fishing mortality rate for swordfish by establishing an overall harvest quota for the entire stock. North-South sub-quotas, vessel permit restrictions, minimum fish sizes and limitations on swordfish incidental catch in the tuna fishery are being considered by the Council.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AB92

354. AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will (1) provide for setting annual salmon catch levels based upon Pacific Salmon Commission recommendations; (2) enhance the framework aspect of annual and in season rulemaking in part to achieve compatibility with the State of Alaska's regulations; and (3) update sections containing biological information and catch statistics.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC00

355. AMENDMENT 1 GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will attempt to rebuild declining reef fish stocks, especially red snapper. A primary objective of the amendment will be to reduce red snapper harvest by 24 percent the first year through the use of a commercial quota of 3.1 million pounds, by the establishment of a 13-inch minimum fish for commercial and recreational fisheries taking red snapper, and by establishing a 7-fish red snapper bag limit per person in the recreational sector. The amendment will also protect other species of reef fish, as well as red snapper by proposing to (1) reduce use of fish traps from 200 to 100 per vessel and expand the stressed area off Texas and Louisiana; (2) prohibit the use of bottom long lines shoreward of the 50-fathom curve; and (3) prohibit use of entanglement nets west of Cape San Blas, Florida, and shoreward of the 20-fathom curve east of Cape San Blas, Florida. Several additional species will be included in the management unit, and additional conservation measures will be forthcoming.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/89	54 FR 35707
NPRM	10/00/89	
Final Action	12/04/89	
Final Action Effective	01/03/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC16

356. AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This action will change the date from 1990 to 1992 to establish the new minimum vent size at 1 15/16 inches by 6 inches for rectangular vents or 2 7/16 inches diameter for circular vents; and implement a requirement that each trap shall have an escape panel or equivalent mechanism to keep a trap from ghost fishing after it has been abandoned or lost for 12 months or more.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37138
NPRM Comment Period End	10/16/89	
Final Action	12/06/89	
Final Action Effective	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC28

357. AMENDMENT 2 TO THE SPINY LOBSTER FISHERY MANAGEMENT PLAN OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: This rule would establish a regulatory amendment procedure for future implementation of gear and harvest restrictions to regulate the fishery in the Exclusive Economic Zone.

Timetable:

Action	Date	FR Cite
NPRM	08/24/89	54 FR 35212
NPRM Comment Period End	10/10/89	
Final Action	11/13/89	
Final Action Effective	12/11/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33708, 813 893-3141

RIN: 0648–AC29

358. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the EEZ off Alaska and who sell, transport, or deliver salmon in the EEZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC39

359. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SWORDFISH FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This regulatory amendment will modify the present data collection system to require 100 percent mandatory dealer reporting of landings and value, for swordfish and incidental species caught in the domestic swordfish fishery. This information is required to determine total fishery landings, fishing effort, and biological data (e.g., size of population, age classes) for stock assessment purposes. The regulatory amendment also will (1) clarify the scope of the regulations; (2) modify the requirements and procedures for obtaining a vessel permit; and (3) modify procedures for submitting daily fishing records. The amendment is intended to (1) obtain more timely and accurate data on swordfish (and incidentally caught species) landings, value and size composition of the catch; (2) improve stock assessment capabilities; (3) ensure accountability for information submitted on permit applications; and (4) ensure timeliness of information submitted on fishing records.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric

Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC41

360. POLICY TO REQUIRE OBSERVERS TO BE CARRIED ON DOMESTIC FISHING VESSELS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The policy would establish guidelines for the use of observers in the domestic fisheries managed under the Magnuson Act. The observers collect catch and effort data on fishing operations, and biological information on fish stocks and the marine ecosystem.

Timetable:

Action	Date	FR Cite
ANPRM	06/06/88	53 FR 20661
ANPRM Comment Period End	07/18/88	
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Following consultation with Regional Fishery Management Councils and industry representatives, the action was put on hold in February 1989, by the Assistant Administrator for Fisheries, NOAA, to await the outcome of voluntary observer programs planned by the fishing industry in Alaska waters for the 1989 and 1990 fishing seasons.

Agency Contact: Peter H. Fricke, Sociologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Cons. & Mgt., 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AC45

361. BLUEFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 628

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The FMP would control the growth of the recreational and commercial fisheries in the EEZ through bag limits and possible gear restrictions. The Atlantic States Marine Fisheries Commission has developed the FMP along with the Mid-Atlantic Fishery Management Council.

Timetable:

Action	Date	FR Cite
ANPRM	07/12/89	54 FR 29363
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930-3799, **508 837-9300**

RIN: 0648–AC51

362. SCIENTIFIC RESEARCH - DOMESTIC AND FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 620

Legal Deadline: None

Abstract: The rule would define scientific research under the Magnuson Act and would add several prohibitions to the general regulations governing domestic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Margaret Frailey, Assistant General Counsel for Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2231**

RIN: 0648–AC61

363. REGULATION TO CONTROL ILLEGAL FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND OVERFISHING OUTSIDE THE EEZ

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611.7; 50 CFR 611.93

Legal Deadline: None

Abstract: Foreign fishing on the high seas of the central Bering Sea take excessive amounts of stocks of Alaska pollock which may be shared in the economic zones of the United States and the Soviet Union. The foreign fleets also use such fishing for illegal fishing incursions in the U.S. EEZ under cloud cover and cover of darkness.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/88	53 FR 13422
ANPRM Comment Period End	05/25/88	
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, F/CM1, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2339**

RIN: 0648–AC66

364. REGULATORY AMENDMENT FOR INTERACTION BETWEEN SUMMER FLOUNDER FISHERY AND ENDANGERED SPECIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

DOC—NOAA **Proposed Rule Stage**

CFR Citation: 50 CFR 625

Legal Deadline: None

Abstract: Regulatory amendment to establish monitoring and reporting in the summer flounder winter trawl fishery and its interaction with endangered species.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC67

365. REGULATORY AMENDMENT TO THE GROUNDFISH OF THE BERING SEA/ ALEUTIAN ISLANDS AREA AND GROUNDFISH OF THE GULF OF ALASKA FISHERY MANAGEMENT PLANS - DEFINITION OF FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: None

Abstract: The action redefines directed fishing in the Bering Sea/Aleutian Islands Area and Gulf of Alaska so that fishermen could sort their catches at sea and discard inadvertent catches of species so as to avoid violations. The action provides authority for the reopening of fisheries, if subsequent information shows that the closure was premature.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/01/89	
Final Action Effective	01/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, Alaska 99802, 907 586-7221

RIN: 0648–AC68

366. REGULATIONS GOVERNING THE TAKING OF SMALL NUMBERS OF MARINE MAMMALS INCIDENTALLY TO OIL AND GAS EXPLORATION IN THE BEAUFORT AND CHUKCHI SEAS

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 238.3

Legal Deadline: None

Abstract: Section 101(a)(5) of the Marine Mammal Protection Act directs the Secretary to allow, on request by U.S. citizens who engage in a specified activity (other than commercial fishing) in a specified geographical region, the incidental take of small numbers of marine mammals. The agency must find that the taking will have a negligible impact on the species or stocks, and will not have an unmitigable adverse impact on the availability of the species for subsistence uses. The Service received a request from 6 oil companies for a take of marine mammals incidental to oil exploration in the Beaufort and Chukchi Seas. These regulations allow a take if certain conditions are met including requirements for monitoring and reporting and a prohibition on taking in the spring lead system used by bowhead whales in the Chukchi Sea. These regulations allow the oil companies to proceed with energy exploration while protecting marine mammals.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/88	53 FR 12169
ANPRM Comment Period End	07/13/88	
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/1335 East-West Highway, Silver Spring, MD 20910, 301 427-2323

RIN: 0648–AC69

367. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1990

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for foreign fishing in 1990.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	
NPRM Comment Period End	10/30/89	
Final Action	12/15/89	
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2339

RIN: 0648–AC70

368. INTERIM FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES

Legal Authority: 46 USC 1177, sec 607, Merchant Marine Act, 1936, as amended

CFR Citation: 50 CFR 259

Legal Deadline: None

Abstract:

(A) Incorporate into existing regulations for the part of the Capital Construction Fund administered for fishermen new requirements imposed by the Tax Reform Act of 1986.

(B) Incorporate into existing regulations, clarification of existing restraints on the use of the Capital Construction Fund by fishermen.

(C) Incorporate into existing regulations, assessment of user fees for

Capital Construction Fund benefits provided fishermen.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: (A) Under existing regulations, at 50 CFR, Part 259, the acquisition of a qualified vessel is not interpreted to include the lease of a qualified vessel. The legislative history of the Tax Reform Act, 1986, indicates Congressional intent to consider lease hire payments from the CCF to be considered qualified withdrawals, if such payments are used for the acquisition of a qualified vessel through lease for a period of five years or more. The proposed rules would allow for payments from the CCF for such purpose. (B) Under existing conditions at 50 CFR Part 259, CCF benefits for fishermen are restricted in accordance with Part 251 of 50 CFR. The proposed rule would allow for either the moderation or lifting of these restrictions. (C) The proposed rules would add to 59 CFR Part 3 provisions for the assessment of user fee charges to fund operating costs for that portion of the CCF administered for fishermen.

Agency Contact: John A. Kelly, Jr., Program Leader, Capital Construction Fund Program, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2393**

RIN: 0648–AC71

---

369. AMENDMENT 18 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 13 TO THE FMP FOR GROUNDFISH OF THE BERING SEA/ ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final action 110 days after receipt from the fishery management council.

Abstract: The rule provides for a reporting system for groundfish catch and production; observer program; allocation of sablefish; area closures to protect king crab and walrus; establishment of Shelik of strait as a management area for Pollock; and flexibility for setting fishing seasons.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	54 FR 36333
NPRM Comment Period End	10/12/89	
Final Action	12/01/89	
Final Action Effective	01/01/90	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, Alaska 99802, **907 586-7221**

RIN: 0648–AC72

---

370. RESUBMITTED PART OF AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final rule 110 days after receipt from the fishery management council.

Abstract: This amendment will require that white shrimp taken in the Exclusive Economic Zone conform to the minimum size, landing, and possession limits of the State in which they are landed.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	
NPRM Comment Period End	10/12/89	
Final Action	12/11/89	
Final Action Effective	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC75

---

371. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final action 110 days after receipt from the fishery management council.

Abstract: Actions which may be considered for inclusion in amendment are: (1) subdivide the recreational allocation for king and Spanish mackerel by area and time; (2) prohibit sale of king mackerel taken under a bag limit; (3) establish subquotas for king mackerel by gear type in the commercial fishery; and (4) adjust qualifications for commercial permits to require that fishermen who seek commercial permits must have derived 50 percent of their earned income from the sale of one's catch or for-hire chartering activities.

Timetable:

Action	Date	FR Cite
NPRM	12/13/89	
NPRM Comment Period End	01/22/90	
Final Action	03/14/90	
Final Action Effective	04/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric

DOC—NOAA

Proposed Rule Stage

Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC77

372. AMENDMENT 19 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 14 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The NPFMC combined its Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans to provide for one final rule governing these fisheries. The action makes adjustments in the regulatory system to account for inconsistencies in management approach. The result is a uniform regulation applicable to an increasingly large and mobile fleet that operates in both areas.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, Alaska 99802, 907 586-7221

RIN: 0648–AC80

373. ● AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SUMMER FLOUNDER FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 625

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days of receipt of the amendment from the fishery management council.

Abstract: Amendment 1 to fishery management plan is expected to broaden the management unit to include sea bass and scup.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
NPRM Comment Period End	11/00/90	
Final Action	01/00/91	
Final Action Effective	02/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01906, 508 281-9300

RIN: 0648–AC83

374. ● AMENDMENT 10 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COAST OF WASHINGTON, OREGON, AND CALIFORNIA COMMENCING IN 1978 (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 10 will address a number of fishery management issues including: (1) modified spawning escapement goal for Klamath River fall chinook; (2) revised criteria for deviating from non-treaty harvest allocations north of Cape Falcon, Oregon; (3) additional flexibility in closing the recreational fishery between Cape Falcon and Orford Reef Red Buoy following in season reallocations to the commercial fishery; (4) additional flexibility in fishery opening and closing times and changes in the duration of reopened fisheries; (5) possible mid-April commercial fishery opening off California, and (6) event and date changes in the preseason process for establishing season measures.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sandpoint Way NE, Building 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC85

375. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE GULF OF MEXICO AND SOUTH ATLANTIC SPINY LOBSTER FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: Require licenses for spiny lobster recreational fishermen.

Timetable:

Action	Date	FR Cite
NPRM	11/29/89	
NPRM Comment Period End	01/15/90	
Final Action	03/14/90	
Final Action Effective	04/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger

Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC86

376. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 644

Legal Deadline: None

Abstract: This regulatory amendment will change the regulations implementing the Fishery Management Plan for Atlantic Billfish (FMP) to: (1) broaden the definitions of "dealer" and "billfish" for the limited purposes of ascertaining the eligibility for sale of a billfish possessed by a dealer or processor; (2) clarify the scope of the regulations; and (3) prohibit the removal at sea of the head, fins or bill from a billfish. Purposes of the regulatory amendment are to: (1) ensure that a billfish from its management unit is not purchased, bartered, traded or sold in any state; (2) express clearly the FMP's intent; and (3) enhance enforceability of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Interim Final Rule	01/00/90	
Final Action	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC87

377. ● RESUBMITTED PART OF AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 75 days of receipt from the fishery management council.

Abstract: This amendment will prohibit the use of purse seines and run-around gillnets for the Atlantic Migratory group of king mackerel and drift gillnets for all of the Managed Coastal Migratory Pelagic Species.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	
NPRM Comment Period End	11/09/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702-9450, 813 893-3141

RIN: 0648–AC89

378. ● AMENDMENT 6 TO THE NORTHERN ANCHOVY FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 801 et seq

CFR Citation: 50 CFR 662

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Fishery Management Council.

Abstract: The Pacific Fishery Management Council will amend the Fishery Management Plan for Northern Anchovy to modify establishment of quotas from a spawning stock biomass basis to a total standing stock biomass basis. Because unusual environmental conditions can result in large standing stocks with low recruitment/spawning, the reduction fishery can be shut down in the midst of abundant standing stocks. In order to account for such situations, the Council will amend the procedures for determination of harvest allocations

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 S. Ferry Street, Room 2005, Terminal Island, CA 90731-7415, 213 514-6194

RIN: 0648–AC95

379. ● AMENDMENT 2 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 after receipt of amendment from the South Atlantic Fishery Management Council.

Abstract: This amendment will attempt to address growth over fishing in the fishery for several species of reef fish of the South Atlantic EEZ. Additional species, such as wreckfish, may be added to the management unit. Closed areas to serve as sanctuaries for reef fish may be established.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	08/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, Florida 33702, **813 893-3141**

RIN: 0648–AC96

---

380. ● REGULATORY AMENDMENT TO ESTABLISH A SPECIAL MANAGEMENT ZONE (SMZ) IN DADE COUNTY, FLORIDA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: This regulatory Amendment would establish a Special Management Zone (SMZ) as allowed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic. The SMZ would likely preclude use of certain gear types in a zone surrounding an artificial reef(s) in Dade County, Florida, to maintain reef fish populations for recreational or other purposes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, Florida 33702, **813 893-3141**

RIN: 0648–AC97

---

381. ● GROUNDFISH OF THE GULF OF ALASKA AND GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS: REGULATORY AMENDMENT

Significance: Agency Priority

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: NOAA would require modifications to fish pot gear to minimize the incidental catch of Pacific halibut.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	02/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Steven Pennoyer, Regional Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC98

---

382. ● AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt of the amendment from the fishery management council.

Abstract: The amendment to the Fishery Management Plan for the Atlantic Sea Scallop Fishery (FMP) is expected to address effort and/or vessel standards. In addition, the current meat count/shell height standards may be abolished or modified.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	09/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01906, **508 281-9300**

RIN: 0648–AC99

---

383. ● AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SEA SCALLOP FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt of amendment

Abstract: Amendment 3 to the Fishery Management Plan is expected to address enforcement problems in the fishery by requiring landing of scallops during landing windows. Offloading from a sea scallop dredge vessel, or from a vessel landing sea scallops in the shell may be prohibited other than during a 12-hour offloading window. More flexible offloading windows are expected for other vessels.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of

Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01906, 508 281-9300

RIN: 0648–AD00

384. ● ATLANTIC BLUEFIN TUNA FISHERY

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: Proposed rule to address the bycatch of Atlantic bluefin tuna in the South Atlantic and Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Building, Gloucester, MA 01930, 508 281-3600

RIN: 0648–AD01

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

385. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	07/00/90	
Final Action Effective		
Begin Review	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AA33

386. FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 941

Legal Deadline: None

Abstract: These regulations are being revised to update on-site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Interim Final Rule	07/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5122

RIN: 0648–AA74

387. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB64

388. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC03

389. PROPOSED REGULATIONS FOR THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC05

390. PROPOSED REGULATIONS FOR THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Monterey Bay, if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Final Action	04/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, NOS, Universal Bldg., Rm. 714, 1825 Conn. Ave., NW, Washington, DC 20235, 202 673-5126

RIN: 0648–AC63

391. THE MONITOR NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 924

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	07/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5122

RIN: 0648–AC78

392. ● REGULATIONS IMPLEMENTING 1990 AMENDMENTS TO THE COASTAL ZONE MANAGEMENT ACT

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: This action will incorporate any amendments resulting from the planned 1990 reauthorization of section 315 of the Coastal Zone Management Act.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
NPRM Comment Period End	03/00/91	
Final Action	08/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine & Estuarine Mgmt. Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Ave., NW., Universal Bldg., Rm. 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC90

393. ● PROPOSED REGULATIONS FOR THE NORTHERN PUGET SOUND NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Northern Puget Sound if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
NPRM Comment Period End	03/00/91	
Final Action	08/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Avenue, NW., Universal Bldg., Rm. 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC91

394. ● PROPOSED REGULATIONS FOR THE NORFOLK CANYON NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Norfolk Canyon if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	07/00/90	
Final Action Effective	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Avenue, NW, Universal Bldg., Rm. 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC92

395. ● PROPOSED REGULATIONS FOR THE WESTERN WASHINGTON OUTER COAST NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding the Washington Pacific Coast if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	04/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Avenue, NW, Universal Bldg., Rm. 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC93

396. ● PROPOSED REGULATIONS FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Stellwagen Bank if the area is designated as a National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	
NPRM Comment Period End	11/00/90	
Final Action	08/00/91	
Final Action Effective	10/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Conn. Ave., NW, Universal Bldg., Rm. 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC94

OFFICE OF THE ADMINISTRATOR

397. NATIONAL SEA GRANT PROGRAM FUNDING REGULATIONS

Legal Authority: 33 USC 1123 (d)(7); 33 USC 1125; 33 USC 1127

CFR Citation: 15 CFR 917.2 (Revision); 15 CFR 917.11 (Revision); 15 CFR 917.20 (Revision); 15 CFR 917.21 (Revision); 15 CFR 917.22 (Revision); 15 CFR 917.30 (Revision)

Legal Deadline: Final, Statutory, December 28, 1988.
Applies only to revision of 15 CFR 917.20 - 917.22.

Abstract: Amendments to the Sea Grant Act require updating of implementing regulations to include:

Replace the "National Needs" program with a "strategic research program," essentially to focus on a more limited number of priority research areas;

Include two types of fellowships not previously recognized by statute and set forth selection procedures;

To update the international program in view of the broader geographic areas and activities authorized;

To provide more specific support for graduate education and interdisciplinary research in marine affairs.

There are no alternatives. Statutory amendments explicitly or implicitly require conforming amendments to the funding regulations. There are no costs involved.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	
NPRM Comment Period End	01/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Milholland, Senior Counselor, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Universal South Bldg., Rm. 603, Washington, DC 20230, **202 673-5200**

RIN: 0648–AC54

398. LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

Significance: Regulatory Program

Legal Authority: 15 USC 4244

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: NOAA has agreed to amend its regulations for licensing private remote sensing space systems in response to a petition by news organizations. Petitioners seek clearer definition of when a license might be restricted because of national security. NOAA will consider ways to provide clarity to reassure potential applicants but will not consider the specific standard proposed by the media, which was rejected during the original rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/18/89	54 FR 01945
NPRM	11/30/89	
NPRM Comment Period End	01/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John A. Milholland, Senior Counsellor/Satellite, Department of Commerce, National Oceanic and Atmospheric Administration, Room 603,

DOC—NOAA **Proposed Rule Stage**

1825 Connecticut Avenue, NW,
Washington, DC 20235, 202 673-5200

RIN: 0648–AC64

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage
National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

399. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Interim Final Rule	07/16/87	52 FR 26685
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Agency Contact: Mark Holliday, Acting Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, Off. of Research and Environmental Informat., NMFS, Washington, DC 20235, 202 673-5335

RIN: 0648–AA38

400. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568
Interim Final Rule	03/18/88	53 FR 8910
Interim Final Rule	03/07/89	54 FR 9438
Comment Period End	06/07/89	54 FR 18519
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Sectors Affected: 091 Commercial Fishing

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources & Habitat Programs, NMFS, Silver Spring, MD 20910, 301 427-2289

RIN: 0648–AB46

401. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yds is prohibited. This addition creates a new subsection to the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271

Action	Date	FR Cite
Interim Final Rule	11/23/87	52 FR 44912
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6201

RIN: 0648–AB79

402. U.S. STANDARDS FOR GRADES OF FISH FILLETS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E; 50 CFR 267

Legal Deadline: None

Abstract: This revised rule will expand the coverage of established voluntary standards for grades of fish fillets to include a new market form or style of fillet whereby bones are not removed. This style of fillet has become more familiar in the marketplace, resulting in the industry requesting the amendment. Responses to a previous request for comments indicate a national interest in this style of presentation. The amendment will allow this market form, bearing FDA's recommended labeling, to be inspected and reflect the U.S. Grade A mark.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23235
NPRM Comment Period End	09/06/89	54 FR 32362
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, 508 281-9319

RIN: 0648–AC12

403. IMPLEMENTATION OF CONDITIONALLY APPROVED MEASURES UNDER AMENDMENT 1 TO THE SPINY AND SLIPPER LOBSTER FMP IN THE GULF OF MEXICO AND SOUTH ATLANTIC - PERMITS AND BAG LIMITS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: This rule will require commercial and tail separation permits and establish a recreational bag limit during the regular season.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8485
NPRM Comment Period End	04/18/87	52 FR 8485
Final Action	12/04/89	
Final Action Effective	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC25

404. FISH AND SEAFOOD PROMOTION

Significance: Regulatory Program

Legal Authority: 16 USC 4001 to 4017 Fish & Seafood Promotion Act of 1986 (FSPA)

CFR Citation: 50 CFR 270, (new)

Legal Deadline: None

Abstract: The proposed rule describes the conditions under which seafood marketing councils for one or more species of fish or fish products authorized under the FSPA may be established and operated. The councils will be funded through self-assessment by segments of the industry represented on the council and are established through (1) application of particular sector(s) of industry to the Secretary of Commerce; (2) favorable Secretarial review of the application and (3) passage of a referendum conducted by the Secretary among sector participants. The Secretary appoints members to the councils from lists of nominees supplied by the industry. Councils will submit annual plans and budgets for species-specific marketing and promotion, including consumer education, research, and other activities. Costs to the Federal Government are estimated to range from $100,000 to $200,000 for program start-up and other initial costs to establish one council. Annual costs will vary and depend upon the number of applications received and the number of referenda conducted. Benefits to the industry may be substantial.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51284
NPRM Comment Period End	02/21/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Additional Information: The date for publication of the final rule to implement the FSPA regulations as they pertain to species-specific seafood marketing councils was not met. The issues raised as a result of public comments received on the proposed rule were complex, requiring further research and program and legal consultations.

Agency Contact: Thomas J. Billy, Acting Director, Office of Trade and Industry Services, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, NOAA, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2351

RIN: 0648–AC27

405. ATLANTIC TUNA FISHERIES - REGULATORY AMENDMENT

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

DOC—NOAA

Final Rule Stage

Abstract: Proposed rule to change the time frame during which the daily catch rate for giant Atlantic bluefin tuna in the General category may be adjusted and to prohibit the use of spotter aircraft as an aid to fisheries for Atlantic bluefin tuna in all but the purse seine category.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/88	53 FR 10415
NPRM	07/07/89	54 FR 29916
NPRM Comment Period End	08/07/89	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AC40

406. INTERIM EXEMPTION GOVERNING THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: NPRM, Statutory, March 23, 1989. Final, Statutory, July 21, 1989. Other, Statutory, January 20, 1989. ANPRM legal deadline was January 20, 1989.

Abstract: 1988 Amendments to Marine Mammal Protection Act direct Secretary of Commerce to establish within 240 days, a 5-year program for exempting commercial fishing operations within the U.S. exclusive economic zone from the Act's prohibition on taking marine mammals. The exemption will require registration of vessels with the National Marine Fisheries Service, reports on interactions with marine mammals and taking Government observers if required.

Timetable:

Action	Date	FR Cite
ANPRM	01/27/89	54 FR 04154
ANPRM Comment Period End	02/27/89	
NPRM	03/23/89	
NPRM Comment Period End	05/08/89	
Interim Final Rule	05/19/89	54 FR 21910
Final Action	06/00/90	
Final Action Effective	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Nancy Foster, Director, Off. of Protected Resources and Habitat Prog, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2332**

RIN: 0648–AC65

407. FISHERMEN'S PROTECTIVE ACT

Legal Authority: 22 USC 1980

CFR Citation: 50 CFR 258

Legal Deadline: None

Abstract: Reinstating regulations inadvertently dropped when Fishermen's Guarantee Program (whose regulations were also included in Part 258) was transferred to State Department.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2396**

RIN: 0648–AC73

408. ● GROUNDFISH OF THE GULF OF ALASKA; GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Authorizes the Secretary to (1) regulate directed fishing in the Gulf of Alaska to accommodate incidental harvest requirements; (2) reopen a prematurely closed fishery; (3) require fishermen to mark buoys used in the pot and hook-and-line fisheries; and (4) specify 12:00 noon Alaska local time as the starting and ending time for ground fish fishing seasons.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33737
NPRM Comment Period End	09/14/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7230**

RIN: 0648–AC81

409. ● PACIFIC COAST GROUNDFISH FISHERY - REGULATORY AMENDMENT TO FACILITATE ENFORCEMENT

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Two changes to the regulations implementing the fishery management plan for Pacific coast groundfish fisheries in the exclusive economic zone off the coasts of Washington, Oregon, and California are proposed. The first change would require certain commercially caught groundfish species to be sorted prior to the first weighing after offloading. The second change would prohibit possession of unauthorized fixed gear on a fishing vessel. These changes would improve efficiency in enforcing fishing restrictions.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 35909
NPRM Comment Period End	09/29/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

DOC—NOAA

Final Rule Stage

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sandpoint Way NE, Building 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC82

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

410. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	02/24/89	54 FR 7953
NPRM Comment Period End	04/25/89	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB49

411. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32563
Interim Final Rule	05/19/89	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB50

412. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program–(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43816
NPRM Comment Period End	12/30/88	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB68

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

413. SAFETY OF UNITED STATES OBSERVERS ABOARD FOREIGN FISHING VESSELS

Significance: Regulatory Program

Legal Authority: PL 99-659

CFR Citation: 50 CFR 611.8

Legal Deadline: None

Abstract: United States observers are required aboard foreign vessels permitted to fish in the U.S. Exclusive Economic Zone (EEZ). Conditions aboard these vessels can be hazardous to the safety of observers. To prevent injury to observers, the Department of Commerce intends to publish minimum safety standards that must be maintained aboard foreign fishing vessels before they will be permitted to fish in the U.S. EEZ.

The alternative to establishing U.S. standards is to accept flag-state standards as adequate. This solution will probably not be feasible because there is a wide variation in foreign safety standards and differing degrees of compliance with standards. In some cases, foreign fishing vessels meeting existing flag-state standards would not be suitable for U.S. observers.

Costs of this action will be borne by the owners of foreign fishing vessels. This action is beneficial in that it may prevent serious injury, including death, to observers during the performance of their duty.

Timetable:

Action	Date	FR Cite
NPRM	07/25/88	53 FR 27887
NPRM Comment Period End	09/08/88	
Final Action	04/24/89	54 FR 16369
Final Action Effective	07/24/89	54 FR 16369

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **301 427-2300**

RIN: 0648–AB94

414. PARTIAL APPROVAL OF AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The approved portion of the amendment prohibits the use of driftgill nets in the Gulf migratory group king mackerel fishery and the Gulf and Atlantic migratory groups of Spanish mackerel.

Timetable:

Action	Date	FR Cite
NPRM	04/10/89	54 FR 14256
NPRM Comment Period End	05/22/89	
Final Action	07/13/89	54 FR 29561
Final Action Effective	08/14/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC15

415. AMENDMENT 12 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 675; 50 CFR 611

Legal Deadline: Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: The amendment would provide for requiring all floating processors receiving fish caught in Federal waters to hold a Federal permit and make weekly reports on catch.

Timetable:

Action	Date	FR Cite
NPRM	09/06/88	53 FR 34322
NPRM Comment Period End	10/21/88	53 FR 34322
Final Action	05/01/89	54 FR 18519
Final Action Effective	05/26/89	54 FR 18519

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC32

416. FISHERY MANAGEMENT PLAN FOR KING AND TANNER CRAB IN THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The FMP would govern fishing for king and tanner crab in the EEZ by minimum sizes, annual guideline harvest levels, definition of legal gear, restriction on harvest of female crabs, registration areas, fishing seasons, and provisions for inseason adjustments. The State of Alaska would adopt measures for reporting requirements, gear placement, gear storage, gear restrictions, and vessel tank inspections. A person may appeal to the Secretary if he believes a State action does not comply with the FMP, the Magnuson Act, or other applicable law.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
Final Action Effective	06/02/89	54 FR 29080
NPRM Comment Period End	06/30/89	
Final Action Notice of Approval	07/11/89	54 FR 29080

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC34

417. AMENDMENT 17 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The amendment would require floating processors receiving fish caught in Federal waters to hold a Federal permit, and make weekly reports on catch.

Timetable:

Action	Date	FR Cite
NPRM	09/06/88	53 FR 34322
NPRM Comment Period End	10/21/88	53 FR 34322
Final Action	05/01/89	54 FR 18519

Action	Date	FR Cite
Final Action Effective	05/26/89	54 FR 18519

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC42

418. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will involve a major revision of the management plan with the purpose of replacing a management program based on a meat count standard measure with some other management approach of equal or greater effectiveness in meeting the plan's objectives. The Council is considering optional means of effort control, which would have industry support, as a basis for a new management program.

Timetable:

Action	Date	FR Cite
NPRM	05/19/89	54 FR 21640
NPRM Comment Period End	05/20/89	54 FR 21640
Withdrawn Fishery Mngt. Council withdrew proposed rule; may resubmit.	06/30/89	54 FR 27656

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, 508 281-9300

RIN: 0648–AC44

419. AMENDMENT 9 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment (1) replaces the long-term spawning escapement goal and rebuilding schedule for Klamath River fall chinook salmon with fixed annual spawning escapement and harvest rates and a minimum escapement floor for naturally spawning adults, (2) modifies the ocean harvest allocation of coho and chinook salmon between non-Indian fisheries north of Cape Falcon, Oregon, (3) revises coastwide notice procedures for inseason management action, (4) conforms Federal and State regulations regarding the incidental harvest of steelhead by recreational fishermen, (5) authorizes inseason reporting requirements for commercial fishermen to provide timely accounting of catches from any regulatory area subject to quota management, and (6) removes the limitations on commercial and recreational season beginning and ending dates.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 2177
NPRM Comment Period End	03/03/89	
Final Action Effective	05/01/89	54 FR 19185
Final Action	05/04/89	54 FR 19158

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE, Building 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC49

420. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will reallocate the Spanish mackerel quota in the South Atlantic and Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	06/16/89	54 FR 25593
NPRM Comment Period End	07/31/89	
Final Action	09/19/89	54 FR 38526
Final Action Effective	09/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC55

421. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO - THE TORTUGAS SANCTUARY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: None

Abstract: This amendment will reopen a portion of the Tortugas Sanctuary that has been closed to shrimp fishing.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 02175
NPRM Comment Period End	02/21/89	
Final Action	04/21/89	54 FR 16123
Final Action Effective	11/03/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC56

422. FISHERY MANAGEMENT PLAN FOR THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 EAST LONGITUDE - REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: None

Abstract: This regulatory amendment would modify the regulations implementing the FMP in order to bring them into conformity with the FMP measures concerning the Secretary's authority to open and close fishing areas.

Timetable:

Action	Date	FR Cite
Deleted Not developed by Council	07/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99801, **907 586-7221**

RIN: 0648–AC57

423. REGULATORY AMENDMENT TO CLARIFY TRIP LIMIT REGULATIONS FOR THE PACIFIC COAST GROUNDFISH AND SALMON FISHERIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 661

Legal Deadline: None

Abstract: The regulatory amendment would clarify trip limit restrictions in the groundfish and salmon fisheries off the coasts of Washington, Oregon, and California. The definitions of "land or landing" and "fishing trip" are modified to clarify trip limit restrictions, to provide consistent regulations in the two fisheries, and to facilitate enforcement.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41214
NPRM Comment Period End	11/18/88	53 FR 41214
Final Action	05/12/89	54 FR 20603
Final Action Effective	06/12/89	54 FR 20603

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NWR, 7600 Sand Point Way, NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC59

424. GUIDELINES FOR FISHERY MANAGEMENT PLANS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 602

Legal Deadline: None

Abstract: Revision of regulatory guidance with regard to establishing a conservation standard for defining overfishing for each managed fishery. This conforms with recommendations and administration policy.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 3031
NPRM Comment Period End	02/28/89	
Final Action	07/24/89	54 FR 30826
Final Action Effective	07/24/89	54 FR 30826

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AC62

425. AMENDMENT 12A TO THE GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA FMP - INCIDENTAL CATCH LIMITS OF CRABS AND HALIBUT

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Limits on the incidental catch of tanner crab, king crab, and halibut are established for the groundfish fishery. Closure by specified area or subarea must occur when a limitation is reached.

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19199
NPRM Comment Period End	05/12/89	54 FR 21343
Final Action	08/09/89	54 FR 32642
Final Action Effective	09/03/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

DOC—NOAA

Completed Actions

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, Alaska 99802, **907 586-7221**

RIN: 0648–AC74

426. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will establish a multi-year management regime in which the fishery will remain seasonally closed to 200 miles in years of good recruitment and opened in years of poor recruitment.

Timetable:

Action	Date	FR Cite
Deleted- could not discriminate between good and poor recruitment in advance	07/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC76

427. RULEMAKING TO IMPLEMENT 1985 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA)

Legal Authority: 16 USC 1456; PL 99-272, Subtitle D

CFR Citation: 15 CFR 923

Legal Deadline: None

Abstract: PL 99-272, the Coastal Zone Management Reauthorization Act of 1985, amended Sec 306(g) of the Coastal Zone Management Act (16 USC 1456) dealing with submission and approval of changes to federally approved State coastal zone management programs. NOAA determined that the 1985 Reauthorization Act does not require rulemaking. The CZMA will be up for reauthorization again September 30, 1990.

Timetable:

Action	Date	FR Cite
Issue paper distributed	09/12/86	
Withdrawn	08/25/89	

Small Entities Affected: None

Government Levels Affected: State

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Mark Stanga, Associate Director, OCRM, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Room 701, Washington, DC 20235, **202 673-5100**

RIN: 0648–AC02

428. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: NPRM, Statutory. Final, Statutory, November 7, 1989.
Within 12 months of enactment.

Abstract: As a result of the Marine Protection Research and Sanctuaries Act reauthorization in 1988, the regulations were revised to incorporate modifications from the new legislation.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21369
NPRM Comment Period End	08/11/86	
Final Action	10/28/88	53 FR 43802
Final Action Effective	11/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, NOS Universal Bldg., Rm. 714, 1825 Conn. Ave., NW, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC53

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

429. FOREIGN FILING LICENSE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 100-418, Sec 9101(c)

CFR Citation: 37 CFR 5.14; 37 CFR 5.15; 37 CFR 5.25

Legal Deadline: None

Abstract: Amends regulations to conform with changes made in Trade Bill (Public Law 100-418) Section 9101 which amended Title 35, United States Code sections 184, 185 and 186. The legislation deleted "inadvertently" in view of narrow interpretation by the Courts. "Inadvertently" was replaced with "through error and without deceptive intent." The change would permit additional subject matter in foreign applications if it does not change the nature of the invention or disclose national security information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Final Action	04/01/90	
Final Action Effective	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

DOC—PTO

Proposed Rule Stage

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Kenneth Cage, Director, Group 220, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-2877

RIN: 0651–AA09

430. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.12; 37 CFR 1.84; 37 CFR 1.88

Legal Deadline: None

Abstract: Clarifications to requirements for patent application drawings. Revisions for addressing mail to the Patent and Trademark Office. Inclusion of security agreement recording in trademark records of ownership (assignments).

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	
NPRM Comment Period End	12/01/89	
Final Action	04/01/90	
Final Action Effective	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theresa A. Brelsford, Assistant Commissioner for Administration, Department of Commerce, Patent and Trademark Office, 2121 Crystal Drive, PK2 908, Arlington, VA 20231, 703 557-2290

RIN: 0651–AA34

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

431. VARIETY DENOMINATION REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
Notice	12/27/85	50 FR 52963
NPRM	11/02/87	52 FR 42016
Final Action	01/01/90	
Final Action Effective	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3065

RIN: 0651–AA12

432. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None

Abstract: 37 CFR 1.56 and 1.97-1.99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11334
NPRM Comment Period End	06/20/89	54 FR 11334
Final Action	11/01/89	
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651–AA27

433. REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING DNA/RNA AND PROTEIN SEQUENCE DISCLOSURES

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.221, (New); 37 CFR 1.222, (New); 37 CFR 1.223, (New); 37 CFR 1.224, (New); 37 CFR 1.225, (New)

Legal Deadline: None

Abstract: The rules would require the submission of DNA/RNA and protein sequences to be in a standard format in patent applications, to be in a separate part and also be submitted in electronic form such as diskette or tape. The submissions would simplify search, examination and publication and would facilitate the establishment of a searchable data base.

Timetable:

Action	Date	FR Cite
NPRM	05/20/89	54 FR 18671
NPRM Comment Period End	07/12/89	54 FR 18671
Final Action	10/01/89	
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

DOC—PTO

Final Rule Stage

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Kittle, Director, Group 180, Department of Commerce, Patent and Trademark Office, CP2-9A09, Washington, DC 20231, 703 557-3637

RIN: 0651–AA37

434. PATENT AND TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Significance: Regulatory Program

Legal Authority: 35 USC 6; 35 USC 41; 15 USC 1113; PL 100-703

CFR Citation: 37 CFR 1.21; 37 CFR 2.6

Legal Deadline: None

Abstract: PTO proposes to establish a reasonable user fee for access to its automated full-text patent search system and automated trademark search system in its public facilities in Arlington, Virginia.

Timetable:

Action	Date	FR Cite
NPRM	05/03/89	54 FR 18907
NPRM Comment Period End	06/30/89	54 FR 18907
Final Action	10/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Frances Michalkewicz, Director, Office of Long Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-1610

RIN: 0651–AA40

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

435. DEPOSIT OF BIOLOGICAL MATERIALS FOR PATENT PURPOSES

Significance: Regulatory Program

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.200 (New); 37 CFR 1.201 (New); 37 CFR 1.202 (New); 37 CFR 1.203 (New); 37 CFR 1.204 (New); 37 CFR 1.205 (New); 37 CFR 1.206 (New); 37 CFR 1.207 (New); 37 CFR 1.208 (New)

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to govern the deposit of biological materials for patent purposes.

Timetable:

Action	Date	FR Cite
ANPRM	09/09/87	52 FR 34080
ANPRM Comment Period End	11/30/87	
NPRM	10/06/88	53 FR 39420
NPRM Comment Period End	01/09/89	
Final Action	08/22/89	54 FR 34864
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Charles E. Van Horn, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4035

RIN: 0651–AA13

436. REQUESTS FOR RECONSIDERATION IN PATENT AND TRADEMARK OFFICE DISCIPLINARY PROCEEDINGS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 32; 35 USC 34; 35 USC 41

CFR Citation: 37 CFR 10.156

Legal Deadline: None

Abstract: The proposed rule change will prescribe the date on which the decision of the Commissioner of Patents and Trademarks in a PTO disciplinary proceeding becomes final agency action for purposes of judicial review. It will also provide for one request for reconsideration or modification of such decision by a party.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38740
NPRM Comment Period End	12/01/88	
Final Action	02/14/89	54 FR 6659
Final Action Effective	04/01/89	54 FR 6659

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harris A. Pitlick, Associate Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4035

RIN: 0651–AA33

437. AMENDMENTS OF PATENT AND TRADEMARK RULES CONCERNING JUDICIAL REVIEW OF DECISIONS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.136; 37 CFR 1.191; 37 CFR 1.196; 37 CFR 1.197; 37 CFR 1.304; 37 CFR 1.550; 37 CFR 1.645; 37 CFR 1.658; 37 CFR 2.129; 37 CFR 2.144; 37 CFR 2.145

Legal Deadline: None

Abstract: PTO proposes to amend its rules to clarify when a decision of the Board of Patent Appeals and Interferences becomes final for purposes of judicial review. The proposed rule changes will eliminate any confusion as to when judicial review must be sought and standardizes the manner of obtaining extensions of time to seek judicial review of decisions of the Board of Appeals and Interferences and Trademark Trial and Appeal Board.

Timetable:

Action	Date	FR Cite
NPRM	03/16/89	54 FR 11009
NPRM Comment Period End	05/24/89	54 FR 11009
Final Action	07/13/89	54 FR 29548
Final Action Effective	08/20/89	54 FR 29548

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Schafer, Associate Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, **703 557-4035**

RIN: 0651–AA35

438. AMENDMENTS OF TRADEMARK RULES GOVERNING INTER PARTES PROCEEDINGS; MISCELLANEOUS AMENDMENTS OF OTHER TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.92; 37 CFR 2.102(c); 37 CFR 2.119(d), (New); 37 CFR 2.119(e), (New); 37 CFR 2.120(d); 37 CFR 2.120(g); 37 CFR 2.120(j)(3); 37 CFR 2.120(j)(5); 37 CFR 2.120(j)(8); 37 CFR 2.123(c); 37 CFR 2.123(e)(2); 37 CFR 2.127(e)(1), (New); 37 CFR 2.127(e)(2), (New); 37 CFR 2.128(b); 37 CFR 2.186; ...

Legal Deadline: None

Abstract: The rules of practice in trademark cases are proposed to be amended to revise, simplify, clarify, or delete existing rules or to codify in rules certain practices which are currently in effect. The rules involved are those relating to the requirements for concurrent use applications; abandonment of trademark applications; appeals to the TTAB from the final refusal of registration in ex parte cases; the institution and conduct of interference, concurrent use, opposition, and cancellation proceedings before the TTAB; review by civil action of a decision of the TTAB; and allowing an assignee to take action with respect to the assigned application or registration. The proposed amendments will assist the orderly and prompt resolution of issues in proceedings before the TTAB.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9514
NPRM Comment Period End	05/01/89	54 FR 9514
Final Action	08/22/89	54 FR 34886
Final Action Effective	11/16/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 5, Trademark Trial and Appeal Board, Washington, DC 20231, **703 557-3551**

RIN: 0651–AA36

439. AMENDMENTS OF THE TRADEMARK RULES TO IMPLEMENT THE TRADEMARK LAW REVISION ACT AND THE "CROCKER" DECISION AND MISCELLANEOUS TRADEMARK RULE AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; PL 100-667

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.51; 37 CFR 2.61; 37 CFR 2.64; 37 CFR 2.71; 37 CFR 2.76, (New); 37 CFR 2.77, (New); 37 CFR 2.81, (New); 37 CFR 2.87; 37 CFR 2.88, (New); 37 CFR 2.89, (New); 37 CFR 2.129; 37 CFR 2.133; 37 CFR 2.161; ...

Legal Deadline: Final, Statutory, November 16, 1989.
The effective date of the Trademark Revision Act of 1988 (P.L. 100-667) is November 16, 1989, by which date implementing rules must be final.

Abstract: The rules of practice in trademark cases are proposed to be amended to implement the provisions of the Trademark Law Revision Act of 1988 (P.L. 100-667), to codify changes in practice resulting from a certain Trademark Trial and Appeal Board decision commonly known as the "Crocker" decision (relating to requirements for foreign applicants seeking to register trademarks in the United States), and to otherwise clarify and revise procedures for the examination of applications. The rules involved are those relating to applications for registration of trademarks based on (1) use of a mark in commerce, (2) a bona fide intention to use a mark in commerce, and (3) ownership of a foreign registration. The rules involved relate also to post-registration procedures and to ex parte appeals and inter partes proceedings before the Trademark Trial and Appeal Board.

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19286
NPRM Comment Period End	06/16/89	54 FR 19286
Final Action	09/11/89	54 FR 37562
Final Action Effective	11/16/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Carlisle E. Walters, Legal Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 5, Washington, DC 20231, **703 557-3061**

RIN: 0651–AA38

440. EXHAUSTION OF ADMINISTRATIVE REMEDIES IN PATENT AND TRADEMARK OFFICE DISCIPLINARY PROCEEDINGS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 32; 35 USC 41

CFR Citation: 37 CFR 10.155; 37 CFR 10.157

Legal Deadline: None

Abstract: Proposed amendments will clarify that a respondent dissatisfied with the initial decision by the administrative law judge in a PTO disciplinary proceeding must exhaust administrative remedies before seeking judicial review under 35 USC 32.

Timetable:

Action	Date	FR Cite
NPRM	12/28/88	53 FR 52438
NPRM Comment Period End	02/27/89	
Final Action	06/21/89	54 FR 26205
Final Action Effective	08/01/89	54 FR 26205

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harris A. Pitlick, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, **703 557-4035**

RIN: 0651–AA41

441. PATENT TERM EXTENSION FOR ANIMAL DRUG PRODUCTS

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 156; PL 100-670

CFR Citation: 37 CFR 1.710; 37 CFR 1.720; 37 CFR 1.740; 37 CFR 1.741; 37 CFR 1.765; 37 CFR 1.775; 37 CFR 1.778,(New); 37 CFR 1.779,(New); 37 CFR 1.785

DOC—PTO

Completed Actions

Legal Deadline: None

Abstract: Changes are proposed to existing rules relating to patent term extension to implement the Generic Animal Drug and Patent Term Restoration Act, Pub. L. 100-670 (November 16, 1988).

Existing procedures and requirements will be applied to applications for patent term extension based on regulatory approval of new animal drugs or veterinary biological products.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9507
NPRM Comment Period End	05/01/89	
Final Action	07/20/89	54 FR 30375
Final Action Effective	08/22/89	54 FR 30375

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Van Horn, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, 703 557-2317

RIN: 0651–AA42

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Prerule Stage

442. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 100

Legal Deadline: None

Abstract: PL 99-502 amended the Stevenson-Wydler Innovation Act of 1980 by establishing a number of procedures to encourage the development of technologies by laboratories owned or operated by the Federal Government, to facilitate the transfer of such technologies to the public, and to promote cooperation between these laboratories and the private sector.

Executive Order 10096 would be amended with regard to the government's rights to ownership of inventions created in laboratories owned or operated by the Federal Government. A revised version of the Executive order might be prepared and regulations would be developed to implement the amendments effected by PL 99-502.

This action will not increase Federal costs. In the short run it will encourage private sector collaboration to assist work done in Federal laboratories by appropriated funds, and in the long run increased commercialization of patents and inventions will increase tax revenues.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Joseph P. Allen, Deputy Director, Office of Technology, Commercialization, Department of Commerce, Technology Administration, Room H 4204, Washington, DC 20230, 202 377-8101

RIN: 0692–AA05

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Proposed Rule Stage

443. LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None

Abstract: This action will revise 37 CFR 404 to simplify the process by which U.S. industry can obtain license to patented inventions owned by the Government. PL 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Joseph P. Allen, Deputy Director, Office of Technology, Commercialization, Department of Commerce, Technology Administration, Room H 4204, Washington, DC 20230, 202 377-8101

RIN: 0692–AA04

444. METRIC CONVERSION POLICY FOR FEDERAL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 205a et seq Metric Conversion Act

CFR Citation: 15 CFR 19 Subpart B (Revised)

Legal Deadline: Other, Statutory, September 30, 1992.
15 USC 205(1) (as amended by sec. 5164 of PL 100-418) calls for the Comptroller General to review the implementation of the amended policy and report his finding to Congress along (cont)

Abstract: The CFR must be updated to reflect the new Federal policy, as amended by the 1988 Trade Act (PL 100-48), regarding Federal use of the metric system in its procurements,

grants and other business-related activities, and the impact on State and local governments and the private sector of this transition. No alternatives are being considered.

The costs to the Federal Government cannot be accurately estimated, but will include the cost of redoing some regulations and publications, costs associated with orienting employees and contractors to use of the metric system and some share of contractor costs for converting. The benefits will be the greater marketability of U.S. products which will improve our competitive posture in world markets and thereby improve U.S. trade balances.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

LEGAL DEADLINE DESCRIPTION CONT: with any legislative recommendation.

Agency Contact: Don Johnson, Director, Office of Technology Assessment and Project Development, Department of Commerce, Technology Administration, Rm 4841, Washington, DC 20230, 202 377-3036

RIN: 0692–AA07

DEPARTMENT OF COMMERCE (DOC)

United States Travel and Tourism Administration (USTTA)

Completed Actions

445. TRAVEL PROMOTION FEE

Significance: Regulatory Program

Legal Authority: Not yet enacted

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: USTTA has primary Federal responsibility for stimulating U.S. export earnings through trade in tourism. Trade development coordination and other related services are currently provided without charge; however, various public and private sector partners do support USTTA cooperative programs at a level nearly equal the funding provided the agency by Congress. The Administration has directed USTTA to undertake efforts to replace funding it receives from general Treasury revenue with monies raised by assessing a facilitation fee derived from the economic activities of the American travel industry and its consumers. Upon enactment of this legislation USTTA will issue implementing regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	08/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wylie Whisonant, Dpty. Under Secretary for Travel and Tourism, Department of Commerce, United States Travel and Tourism Administration, Room 1865, Washington, DC 20230, 202 377-0140

RIN: 0644–AA00

[FR Doc. 89-21718 Filed 10-27-89; 8:45 am]

BILLING CODE 3510-BW-T

Federal Register

Monday
October 30, 1989

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents, including those that are procurement-related for public information and comments under E.O. 12291 "Federal Regulation" and the Office of Federal Procurement Policy Act of 1988 (102 Stat. 4055; 41 U.S.C. 402). This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, the Federal Procurement Policy Act, and other regulatory programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public, or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on April 24, 1989, and includes regulations expected to be issued and under review over the next 12 months. The procurement-related agenda items, included in this publication, will also be used by the Office of Federal Procurement Policy to publish a "Procurement Regulatory Activity Report" as required by the Office of Federal Procurement Policy Act Amendments of 1988.

The next agenda is scheduled to be published in April 1990. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mrs. Pearl Rascoe-Harrison, telephone 202-746-0933, or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives, Directorate, Washington Headquarters Services, telephone 202-697-4111. For general information on the procurement-related agenda items, contact Mr. Owen L. Green III, telephone 202-697-7266, or write to the Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062.

For general information on Department of the Army regulations, contact Mr. Kenneth L. Denton, telephone 202-325-6297, or write to Commander, U.S. Army Publications and Printing Command, ATTN: ASQZ-SPP, Room 1420, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg, telephone 202-697-7216, or write to Department of the Navy, Information Resources Management, IRM(C), Washington, DC 20350-1000.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner, telephone 202-694-3527, or write to Department of the Air Force, SAF/AADA, Pentagon, Washington, DC 20330-1000.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports, including procurement-related regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle, which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act;

c. GATT International Trade Agreement; and

d. Office of Federal Procurement Policy Act Amendments of 1988.

These DoD issuances, which are directly applicable under these statutes, will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the

DOD

Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

D. O. Cooke,

Director, Administration and Management.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
446	Claims, Equitable Adjustment (DAR Case 87-128D)	0790-AB46
447	Technical Data, Sec. 808, 1988 Authorization Act (DAR Case 87-303)	0790-AB48

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
448	Commercial Activities Program Procedures (DoD Instruction 4100.33)	0790-AA48
449	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of PL 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
450	Commercial Activities Program; Procedures (DoD Instruction 4100.33)	0790-AA73
451	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6)	0790-AA84
452	Equal Opportunity in Off-Base Housing (DoD Directive 1100.16)	0790-AB30
453	Military Whistleblower Protection (DoD Directive 7050.xx)	0790-AB31
454	Total Quality Management (DoD Directive 5000.51)	0790-AB33
455	Review of Subcontractor's Proposed Contract Costs (DAR Case 84-096D)	0790-AB36
456	Commerce Patent Regulations, PL 98-620 (DAR Case 85-056D)	0790-AB38
457	Cargo Preference Act (DAR Case 88-047)	0790-AB53
458	Intermediate-Range Nuclear Force Reduction Treaty (DAR Case 88-054)	0790-AB55
459	Drug-Free Workforce (DAR Case 88-083)	0790-AB58
460	Space Defense Initiative Organization - Research, Development, Testing, and Evaluation (Glenn Amendment), Sec. 222 (DAR Case 88-119)	0790-AB62
461	Foreign Selling Costs, Sec. 826, 1989 Authorization Act (DAR Case 88-300D)	0790-AB66
462	Competitive Threshold, PL 100-656, Sec. 303(B)8(A) (DAR Case 88-325D)	0790-AB74
463	False Representation-Small Business, PL 100-656, Sec. 405 (DAR Case 88-331)	0790-AB75
464	False Representation-Small Business, PL 100-656, Sec. 405 (DAR Case 88-331D)	0790-AB76
465	Contract Air Fares, Sec. 833, PL 100-456 (DAR Case 88-336)	0790-AB79
466	Rural Area Business Development, Sec. 129, PL 100-590 (DAR Case 88-341)	0790-AB80
467	Indian Owned Enterprise, Additional 5 Percent (DAR Case 88-342)	0790-AB81
468	Threshold, Price Reasonableness (DAR Case 88-400D)	0790-AB82
469	Small Disadvantaged Business; Historically Black Colleges and Universities - 5 Percent Goal - PL 100-180, Sec. 806 (DAR Case 89-023A)	0790-AB94
470	Computer-Aided Acquisition and Logistics Support (CALS) (DAR Case 89-061)	0790-AB99
471	Warranties (DAR Case 89-062)	0790-AC00
472	Support and Privileges for Contractor Personnel in Europe (DAR Case 89-069)	0790-AC01
473	Acquisition Plans/Justification and Acceptance; Supporting Documentation (DAR Case 89-072)	0790-AC02
474	Threshold, Part 5 (DAR Case 89-403D)	0790-AC03
475	Contractor Procurement System Reviews; Reduction of Separate Reviews (DAR Case 89-434)	0790-AC04

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
476	Financial Institutions on DoD Installations (DoD Directive 1000.11)	0790-AA51
477	Procedures Governing Banking Offices on DoD Installations (DoD Instruction 1000.12)	0790-AA52
478	Procedures Governing Credit Unions on DoD Installations (DoD Instruction 1000.10)	0790-AA53

DOD

Office of the Secretary—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
479	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Per Diem Based Payment Method for Mental Health Services (DoD 6010.8-R)	0790-AB06
480	Child Development Programs (DoD Instruction 6060.2)	0790-AB28
481	Placement of Reserve Component Units in Local Communities (DoD Directive 1200.1)	0790-AB29
482	Certificate of Release or Discharge From Active Duty (DD Form 214/5 Series)(DoD Instruction 1336.1)	0790-AB32
483	Commercial Activities Program (DoD Directive 4100.15)	0790-AB34
484	Bonds to Guarantees (DAR Case 84-149D)	0790-AB35
485	Short Form Research Contractor - Competition in Contracting Act (DAR Case 85-014)	0790-AB37
486	Arms, Ammo and Explosives at Contractor Facilities (DAR Case 85-102)	0790-AB39
487	Safety and Occupational Health (DAR Case 86-002D)	0790-AB40
488	Recovery of Nonrecurring Costs on Commercial Sales (DAR 86-017)	0790-AB41
489	Estimating System Reviews (DAR Case 86-109)	0790-AB42
490	Bills of Lading/Domestic Route Order/Export Traffic Release, Application for U.S. Government, DD Form 1659 (DAR Case 87-086)	0790-AB43
491	Adequate Price Competition (DAR Case 87-097)	0790-AB44
492	Work Measurement Systems (DAR Case 87-123)	0790-AB45
493	English Translation of Contracts and Gas Cylinders (DAR Case 87-129D)	0790-AB47
494	Restrictions on Employment, Sec. 8046, Fiscal Year 1988 (Alaska/Hawaii) (DAR Case 87-321)	0790-AB49
495	Form DD250, Unit Prices (DAR Case 88-012)	0790-AB50
496	Certification of Necessity for Government-Furnished Property (DAR Case 88-028D)	0790-AB51
497	Antifriction Bearings (DAR Case 88-035)	0790-AB52
498	Master Solicitation and Award Fees (DAR Case 88-050D)	0790-AB54
499	DFARS 22.4-Construction Labor Standards (DAR Case 88-055)	0790-AB56
500	Interim Contract Completion Procedures (DAR Case 88-072)	0790-AB57
501	DD 1630, Research and Development Bidders Mailing List (DAR Case 88-090)	0790-AB59
502	Military Interdepartment Purchase Requests (MIPRs) (DAR Case 88-104)	0790-AB60
503	Progress Payment Rates, Increase (DAR Case 88-111)	0790-AB61
504	Contingency Contracting Overseas (DAR Case 88-129)	0790-AB63
505	Negotiated Settlements, Armed Services Board of Contract Appeals (DAR Case 88-130)	0790-AB64
506	Automated Purchasing Systems and Contractor Procurement System Reviews (CPSRs) (DAR Case 88-152)	0790-AB65
507	Incentives for Innovation, Sec. 806, 1989 Authorization Act (DAR Case 88-305)	0790-AB67
508	Valve and Machine Tools, Sec. 822, 1989 Authorization Act (DAR Case 88-307)	0790-AB68
509	Prohibit Employment of Felons, Sec. 831, 1989 Authorization Act (DAR Case 88-309)	0790-AB69
510	Material Requirements Planning, Sec. 834, 1989 Authorization Act (DAR Case 88-311)	0790-AB70
511	Prompt Payment, Sec. 3901, Prompt Payment Act, PL 100-496 (DAR Case 88-314D)	0790-AB71
512	Procurement Integrity, Sec. 6, OFPP Act (DAR Case 88-315D)	0790-AB72
513	Small Business Competitiveness Demonstration Program (DAR Case 88-322D)	0790-AB73
514	Small and Disadvantaged Business Utilization (SADBU) Representatives Recommendation on Contract Award, PL 100-656, Sec. 603 (DAR Case 88-332D)	0790-AB77
515	Dredging Program, Sec. 722, PL 100-656 (DAR Case 88-334)	0790-AB78
516	Threshold of DFARS Part 13 (DAR Case 88-419)	0790-AB83
517	Application of Fixed Price Award Fee (DAR Case 88-430D)	0790-AB84
518	Architectural - Engineering Performance Evaluations (DAR Case 88-434D)	0790-AB85
519	Definition of Labor Surplus Area Form - Defense Personnel Supply Center (DPSC) (DAR Case 89-002)	0790-AB86
520	Industrial Preparedness Planning (IPP) (DAR Case 89-003)	0790-AB87
521	DoD Parts Control Program (PCP) and Standardized Military Drawings (SMD) Program (DAR Case 89-004)	0790-AB88
522	Use of DD1155 as a Delivery Order Form (DAR Case 89-005)	0790-AB89
523	DD Form 350, GSA Schedules (DAR Case 89-012)	0790-AB90
524	Form, DD 350 Changes (FY 90) (DAR Case 89-016)	0790-AB91
525	Waivers of Submission and Certification of Cost and Pricing Data (DAR Case 89-017)	0790-AB92
526	Small Disadvantaged Business; Historically Black Colleges and Universities - 5 Percent Goal (DAR Case 89-023)	0790-AB93
527	Protests-Lehigh Instruments (DAR Case 89-025)	0790-AB95
528	Vendor Prices, Historical (DAR Case 89-030)	0790-AB96
529	Anti-Kickback, Designation of Department of Defense Inspector General (DoDIG) Representatives (DAR Case 89-043)	0790-AB97
530	Service Contract Act - DFARS (DAR Case 89-046)	0790-AB98

DOD

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
531	The Army General Counsel's Honors Program	0702-AA00

Department of the Army—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
532	Airfield Certification and Use of Army Airfields by Other than U.S. Department of Defense Aircraft	0702-AA02
533	Regulations Affecting Military Reservations: Prohibited Activities at Fort Bragg, NC	0702-AA17

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
534	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D--Endangered Species Counterpart Regulations	0710-AA17
535	Nationwide Permit Program	0710-AA20
536	Part 325, Processing Department of the Army Permits	0710-AA23
537	Part 326, Enforcement; Class II Administrative Penalties	0710-AA25

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
538	Regulatory Programs of the Corps of Engineers Part 325, App. C, Historic Properties	0710-AA12
539	Part 326, Enforcement; Class I Administrative Permits	0710-AA24

Department of the Navy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
540	Release of Official Information for Litigation	0703-AA30

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
541	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
542	Claims and Tort Litigation (AFR 112-1)	0701-AA19
543	Air Force Visual Information Systems (AFR 700-32)	0701-AA28

DOD

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
544	Air Force Supplement to the Federal Acquisition Regulation (FAR)	0701-AA14

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Proposed Rule Stage

446. ● CLAIMS, EQUITABLE ADJUSTMENT (DAR CASE 87-128D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215; 48 CFR 252

Legal Deadline: None

Abstract: Allow contracting officers to require contractors to separately account for changed work on construction contracts if changed work exceeds $100,000.

Timetable:

Action	Date	FR Cite
Case Opened	11/24/87	
NPRM	12/06/88	53 FR 49212
NPRM Comment Period End	01/05/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB46

447. ● TECHNICAL DATA, SEC. 808, 1988 AUTHORIZATION ACT (DAR CASE 87-303)

Significance: Agency Priority

Legal Authority: PL 100-180, Sec 808

CFR Citation: 48 CFR 227; 48 CFR 252

Legal Deadline: Final, Statutory, April 2, 1988.

Abstract: Do not impair right of the contractor or subcontractor to receive from a third party a fee or royalty for use of technical data.

Timetable:

Action	Date	FR Cite
Case Opened	12/02/87	
Interim Final Rule	10/28/88	53 FR 43698

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB48

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Final Rule Stage

448. ● COMMERCIAL ACTIVITIES PROGRAM PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; EO 12615; PL 93-400

CFR Citation: 32 CFR 169a

Legal Deadline: None

Abstract: This proposed rule establishes procedures and criteria for use by the Department of Defense (DoD) to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources.

Timetable:

Action	Date	FR Cite
NPRM	04/18/89	54 FR 15442
NPRM Comment Period End	07/17/89	54 FR 15442

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Miglionico, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA48

449. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PL 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

DOD—OS

Final Rule Stage

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R (32 CFR 199) to meet the intent of section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757
Final Action	11/30/90	
Final Action Effective	11/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790–AA71

450. COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; EO 12615; PL 93-400

CFR Citation: 32 CFR 169a

Legal Deadline: None

Abstract: This part proposes to establish procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources.

Timetable:

Action	Date	FR Cite
NPRM	04/16/89	54 FR 15442
NPRM Comment Period End	07/17/89	54 FR 15442
Final Action	11/30/89	
Final Action Effective	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Miglionico, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA73

451. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None

Abstract: This part is being revised and reissued to establish a standard for determining petitions for reimbursement for loss of earnings, incorporate the revised DoD Adjudication Policies for security clearance determinations under this rule, and revise procedures for cases not requiring a hearing, and procedures for considering issues raised on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16864
NPRM Comment Period End	06/05/87	52 FR 16864
Final Action	11/30/90	
Final Action Effective	11/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Brown, Department of Defense, Office of the Secretary, **202 696-4599**

RIN: 0790–AA84

452. ● EQUAL OPPORTUNITY IN OFF-BASE HOUSING (DOD DIRECTIVE 1100.16)

Legal Authority: 42 USC 3601; PL 90-285; PL 100-430

CFR Citation: 32 CFR 301

Legal Deadline: None

Abstract: This document proposes to revise 32 CFR Part 301 to reflect revisions covering off-base housing enforcement. This part will also emphasize liaison with other government (local, State, and Federal) agencies. Current changes to the Public Law are also reflected in the revision.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7566
NPRM Comment Period End	03/24/89	54 FR 7566
Final Action Effective	11/30/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: M. Schneider, Department of Defense, Office of the Secretary, **202 697-6381**

RIN: 0790–AB30

453. ● MILITARY WHISTLEBLOWER PROTECTION (DOD DIRECTIVE 7050.XX)

Legal Authority: 10 USC 1034

CFR Citation: 32 CFR 98a

Legal Deadline: None

Abstract: This part proposes to provide policy and implements the military whistleblower protection provisions contained in Public Law 100-456. It applies to all DoD components and personnel and establishes responsibilities, authorities, and operating procedures to ensure that military members of the Armed Forces are protected from reprisal for making lawful communication with a member of Congress or an Inspector General in which the member makes a complaint or discloses information that the member reasonably believes evidence a violation of law or regulation; mismanagement, a gross waste of funds, and abuse of authority, or a substantial and specific danger to public safety.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18547
NPRM Comment Period End	05/31/89	54 FR 18547
Final Action Effective	11/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: M. Campbell, Department of Defense, Office of the Secretary, **202 697-2884**

RIN: 0790–AB31

454. ● TOTAL QUALITY MANAGEMENT (DOD DIRECTIVE 5000.51)

Legal Authority: EO 12637

CFR Citation: 32 CFR 281

Legal Deadline: None

Abstract: This proposed rule establishes policy and assigns

responsibility for implementation of the Total Quality Management concept in the Department of Defense. The concept will be implemented both internally with the Department of Defense as well as in DoD acquisition strategies.

Timetable:

Action	Date	FR Cite
NPRM	07/19/89	54 FR 30227
NPRM Comment Period End	08/18/89	54 FR 30227
Final Action Effective	11/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: F. Doherty, Department of Defense, Office of the Secretary, **202 695-7915**

RIN: 0790–AB33

455. ● REVIEW OF SUBCONTRACTOR'S PROPOSED CONTRACT COSTS (DAR CASE 84-096D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: How can Government be more active in subcontract pricing process.

Timetable:

Action	Date	FR Cite
Case Opened	01/18/88	
NPRM	05/26/88	53 FR 19009
NPRM Comment Period End	07/25/88	
Final Action	10/21/89	
Final Action Effective	10/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB36

456. ● COMMERCE PATENT REGULATIONS, PL 98-620 (DAR CASE 85-056D)

Significance: Agency Priority

Legal Authority: PL 98-620, Sec 501

CFR Citation: 48 CFR 227; 48 CFR 252

Legal Deadline: None

Abstract: Ensure contractor system of records maintenance for Government property at least same as own.

Timetable:

Action	Date	FR Cite
Case Opened	03/18/87	
NPRM	03/22/89	54 FR 11764
NPRM Comment Period End	05/22/89	
Final Action	10/31/89	
Final Action Effective	10/31/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB38

457. ● CARGO PREFERENCE ACT (DAR CASE 88-047)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 247; 48 CFR 252

Legal Deadline: None

Abstract: Develop coverage as a result of recent Department of Justice decision.

Timetable:

Action	Date	FR Cite
Case Opened	04/11/88	
Interim Final Rule	04/21/89	54 FR 16111
Final Action	10/31/89	
Final Action Effective	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB53

458. ● INTERMEDIATE-RANGE NUCLEAR FORCE REDUCTION TREATY (DAR CASE 88-054)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 209; 48 CFR 252

Legal Deadline: None

Abstract: Assure that defense contractors are not improperly denied contracts because of Soviet inspectors at contractor facilities.

Timetable:

Action	Date	FR Cite
Case Opened	04/20/88	
Interim Final Rule	06/06/88	53 FR 20631

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System,

DOD—OS

Final Rule Stage

Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB55

459. ● DRUG-FREE WORKFORCE (DAR CASE 88-083)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: Develop DFARs coverage for encouraging drug-free workplace.

Timetable:

Action	Date	FR Cite
Case Opened	06/14/88	
Interim Final Rule	09/28/88	53 FR 37764

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB58

460. ● SPACE DEFENSE INITIATIVE ORGANIZATION - RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION (GLENN AMENDMENT), SEC. 222 (DAR CASE 88-119)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Do not use DoD funds on any contract with foreign government or foreign firm for research, development, testing, and evaluation.

Timetable:

Action	Date	FR Cite
Case Opened	09/14/88	
Interim Final Rule	04/21/89	54 FR 16111
Final Action	10/31/89	
Final Action Effective	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB62

461. ● FOREIGN SELLING COSTS, SEC. 826, 1989 AUTHORIZATION ACT (DAR CASE 88-300D)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 826

CFR Citation: 48 CFR 225

Legal Deadline: Final, Statutory, December 28, 1988.

Abstract: Costs to promote export of products of U.S. defense industry be allowable within certain conditions.

Timetable:

Action	Date	FR Cite
Case Opened	10/06/88	
Interim Final Rule	12/22/88	53 FR 51557
Final Action	10/31/89	
Final Action Effective	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB66

462. ● COMPETITIVE THRESHOLD, PL 100-656, SEC. 303(B)8(A) (DAR CASE 88-325D)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 303

CFR Citation: 48 CFR 219

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: Establish requirement to compete 8(a) contracts at certain threshold.

Timetable:

Action	Date	FR Cite
Case Opened	04/27/89	
NPRM	07/18/89	54 FR 30101
Final Action	10/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB74

463. ● FALSE REPRESENTATION-SMALL BUSINESS, PL 100-656, SEC. 405 (DAR CASE 88-331)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 405

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Establish penalties for representation as a small business or a small disadvantaged business concern.

Timetable:

Action	Date	FR Cite
Case Opened	02/02/89	
Final Action	02/28/90	
Final Action Effective	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There

is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB75

464. ● FALSE REPRESENTATION-SMALL BUSINESS, PL 100-656, SEC. 405 (DAR CASE 88-331D)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 405

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Establish penalties for representation as a small business or a small disadvantaged business concern.

Timetable:

Action	Date	FR Cite
Case Opened	02/02/89	
Final Action	02/28/90	
Final Action Effective	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB76

465. ● CONTRACT AIR FARES, SEC. 833, PL 100-456 (DAR CASE 88-336)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 833

CFR Citation: 48 CFR 231

Legal Deadline: Final, Statutory, June 2, 1989.

Abstract: Develop cost principle re: allowability of air fare rates that exceed GSA negotiated fares.

Timetable:

Action	Date	FR Cite
Case Opened	03/14/89	
Final Action	02/28/90	
Final Action Effective	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB79

466. ● RURAL AREA BUSINESS DEVELOPMENT, SEC. 129, PL 100-590 (DAR CASE 88-341)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Develop rural area business enterprise development plans.

Timetable:

Action	Date	FR Cite
Case Opened	05/24/89	
Final Action	02/28/90	
Final Action Effective	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB80

467. ● INDIAN OWNED ENTERPRISE, ADDITIONAL 5 PERCENT (DAR CASE 88-342)

Significance: Agency Priority

Legal Authority: PL 100-442, Sec 7

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, September 22, 1989.

Abstract: Additional compensation up to 5 percent may be given if subcontractor or supplier is an Indian/Indian-owned organization.

Timetable:

Action	Date	FR Cite
Case Opened	06/13/89	
Final Action	02/28/90	
Final Action Effective	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB81

468. ● THRESHOLD, PRICE REASONABLENESS (DAR CASE 88-400D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 213

Legal Deadline: None

Abstract: Change threshold in 13.106 to 10 percent of small purchase limitation.

Timetable:

Action	Date	FR Cite
Case Opened	03/09/88	
NPRM	05/16/88	53 FR 17232
NPRM Comment Period End	06/15/88	
Final Action	10/31/89	
Final Action Effective	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

DOD—OS

Final Rule Stage

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB82

469. ● SMALL DISADVANTAGED BUSINESS; HISTORICALLY BLACK COLLEGES AND UNIVERSITIES - 5 PERCENT GOAL - PL 100-180, SEC. 806 (DAR CASE 89-023A)

Significance: Agency Priority

Legal Authority: PL 100-180, Sec 806

CFR Citation: 48 CFR 219; 48 CFR 226; 48 CFR 252

Legal Deadline: None

Abstract: The Office of the Secretary of Defense proposes DFARs to make progress toward 5 percent goal for DoD.

Timetable:

Action	Date	FR Cite
Case Opened	05/09/89	
NPRM	05/23/89	54 FR 22337
NPRM Comment Period End	07/24/89	
Final Action	11/30/89	
Final Action Effective	11/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB94

470. ● COMPUTER-AIDED ACQUISITION AND LOGISTICS SUPPORT (CALS) (DAR CASE 89-061)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Revise DFARS Part 7 to implement Deputy Secretary of Defense memo of 8/5/88.

Timetable:

Action	Date	FR Cite
Case Opened	06/06/89	
Final Action	10/21/89	
Final Action Effective	10/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB99

471. ● WARRANTIES (DAR CASE 89-062)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 246

Legal Deadline: None

Abstract: Have warranty provisions specifically identify whether redesign is or is not an available remedy.

Timetable:

Action	Date	FR Cite
Case Opened	06/09/89	
NPRM	06/30/89	54 FR 27655
NPRM Comment Period End	08/31/89	
Final Action	12/31/89	
Final Action Effective	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC00

472. ● SUPPORT AND PRIVILEGES FOR CONTRACTOR PERSONNEL IN EUROPE (DAR CASE 89-069)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: US Army Europe providing updated information on logistics support and privileges for DoD contractor personnel and family members.

Timetable:

Action	Date	FR Cite
Case Opened	06/26/89	
Final Action	10/21/89	
Final Action Effective	10/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AC01

473. ● ACQUISITION PLANS/JUSTIFICATION AND ACCEPTANCE; SUPPORTING DOCUMENTATION (DAR CASE 89-072)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Recommend DFARs coverage be deleted to eliminate duplicative justifications and for clarity.

Timetable:

Action	Date	FR Cite
Case Opened	07/07/89	
Final Action	10/21/89	
Final Action Effective	10/21/89	

DOD—OS

Final Rule Stage

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AC02

474. ● THRESHOLD, PART 5 (DAR CASE 89-403D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 205

Legal Deadline: None

Abstract: Logistics Management Institute Report AL714R3 recommends changing certain thresholds.

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	
Final Action	02/28/90	
Final Action Effective	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AC03

475. ● CONTRACTOR PROCUREMENT SYSTEM REVIEWS; REDUCTION OF SEPARATE REVIEWS (DAR CASE 89-434)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 244

Legal Deadline: None

Abstract: All reviews of contractor purchasing systems should be conducted by the administrative contracting officer.

Timetable:

Action	Date	FR Cite
Case Opened	04/11/89	
Final Action	10/21/89	
Final Action Effective	10/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AC04

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Completed Actions

476. ● FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS (DOD DIRECTIVE 1000.11)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231

Legal Deadline: None

Abstract: This revised rule accepts clarifying and editorial changes suggested in response to the proposed rule published in the Federal Register on February 22, 1989 (54 FR 7558). In addition, this rule cites a new DoD policy that encourages the installation of automated teller machines on DoD installations that are connected to national automatic teller machines networks and provides guidance supporting that policy.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7558
Final Action Effective	07/26/89	54 FR 33512
Final Action	08/15/89	54 FR 33512

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790–AA51

477. ● PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.12)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 230

Legal Deadline: None

Abstract: A proposed rule to modify various procedures covering the operation of banking offices on DoD installations was published in the Federal Register on February 22, 1989 (54 FR 7551). Several of the revisions were made as a result of reviewing comments received from the notice.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7551
Final Action Effective	07/26/89	54 FR 33505
Final Action	08/15/89	54 FR 33505

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, 202 697-8281

RIN: 0790–AA52

478. ● PROCEDURES GOVERNING CREDIT UNIONS ON DOD INSTALLATIONS (DOD INSTRUCTION 1000.10)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 231a

Legal Deadline: None

Abstract: For purposes of qualifying for no-cost office space and other real property under section 124 of the Federal Credit Union Act, Defense credit unions now will be able to include retired military personnel in the credit union's field of membership. This revised rule accepts clarifying and editorial changes suggested in response to the proposed rule published in the Federal Register on February 22, 1989 (54 FR 7561).

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7561
Final Action Effective	07/26/89	54 FR 33516
Final Action	08/15/89	54 FR 33516

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Adolphi, Department of Defense, Office of the Secretary, **202 697-8281**

RIN: 0790–AA53

---

479. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PER DIEM BASED PAYMENT METHOD FOR MENTAL HEALTH SERVICES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This final rule revises the comprehensive CHAMPUS regulation to establish a new method of paying for mental health care in psychiatric hospitals and units.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20585
NPRM Comment Period End	07/05/88	53 FR 20585
Final Action	09/06/88	53 FR 23285
Final Action Effective	01/01/89	53 FR 23285

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Regensberg, Department of Defense, Office of the Secretary, **303 361-3572**

RIN: 0790–AB06

---

480. ● CHILD DEVELOPMENT PROGRAMS (DOD INSTRUCTION 6060.2)

Legal Authority: 10 USC 2809; 40 USC 490b

CFR Citation: 32 CFR 80

Legal Deadline: None

Abstract: This final rule establishes policies, assigns responsibilities, and prescribes standards and operational requirements for child care programs for eligible minor children of the Department of Defense military and civilian personnel.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/03/89	54 FR 13369
Final Action	04/03/89	54 FR 13369

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: A. Mahbouhi, Department of Defense, Office of the Secretary, **202 697-7191**

RIN: 0790–AB28

---

481. ● PLACEMENT OF RESERVE COMPONENT UNITS IN LOCAL COMMUNITIES (DOD DIRECTIVE 1200.1)

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 67

Legal Deadline: None

Abstract: This final rule revises 32 CFR Part 67. It prescribes policies and procedures in the location of Reserve units in accordance with demographic supportability. It also provides standard procedures for placement of Reserve Component units in the Military Departments in local communities.

Timetable:

Action	Date	FR Cite
Final Action	03/23/89	54 FR 11945
Final Action Effective	07/14/89	54 FR 11945

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: D. McQuilliams, Department of Defense, Office of the Secretary, **202 695-7307**

RIN: 0790–AB29

---

482. ● CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214/5 SERIES)(DOD INSTRUCTION 1336.1)

Legal Authority: 10 USC 1168; 10 USC 972

CFR Citation: 32 CFR 45

Legal Deadline: None

Abstract: This final rule revises the DD Form 214/214WS and Part 45. The text revision would authorize certain officials in grade E-5, GS-5 or above to sign the form, specify issuance requirements for reenlisting members, clarify potential obligations of retired and Individual Ready Reserve members, and clarify certain other administrative matters.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/06/89	54 FR 7409
Final Action	02/21/89	54 FR 7409

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Sutherland, Department of Defense, Office of the Secretary, **202 695-6312**

RIN: 0790–AB32

---

483. ● COMMERCIAL ACTIVITIES PROGRAM (DOD DIRECTIVE 4100.15)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169

Legal Deadline: None

Abstract: The Department of Defense revised its rules regarding the Commercial Activities Program to incorporate substantive changes to Part 169 required by Office of Management and Budget (OMB) Circular A-76. The Department of Defense reaffirms the Government's general policy of reliance on the private sector for commercial activities while recognizing that Government personnel must perform intrinsic governmental functions and must consider cost effectiveness.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/10/89	54 FR 13373
Final Action	04/03/89	54 FR 13373

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: D. Miglionico, Department of Defense, Office of the Secretary, 202 325-0537

RIN: 0790–AB34

484. ● BONDS TO GUARANTEES (DAR CASE 84-149D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 228

Legal Deadline: None

Abstract: Only separate bid bonds are acceptable for construction contracts.

Timetable:

Action	Date	FR Cite
Case Opened	08/03/84	
NPRM	12/23/87	52 FR 48549
NPRM Comment Period End	02/22/88	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB35

485. ● SHORT FORM RESEARCH CONTRACTOR - COMPETITION IN CONTRACTING ACT (DAR CASE 85-014)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 235

Legal Deadline: None

Abstract: Authorize short form research contract for competition awards.

Timetable:

Action	Date	FR Cite
Case Opened	07/08/85	
NPRM	07/21/86	51 FR 26172
NPRM Comment Period End	09/19/86	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB37

486. ● ARMS, AMMO AND EXPLOSIVES AT CONTRACTOR FACILITIES (DAR CASE 85-102)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 204; 48 CFR 223; 48 CFR 252

Legal Deadline: None

Abstract: Change DFARs to correct apparent lack of uniform compliance with DoD Physical Security standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/86	51 FR 42095
Case Opened	03/08/89	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB39

487. ● SAFETY AND OCCUPATIONAL HEALTH (DAR CASE 86-002D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 223

Legal Deadline: None

Abstract: The Occupational Safety and Health Administration recommended coverage in FAR/DFAR to raise the safety and occupational health program to the same level as other programs to clarify to PCOs, ACOs, and contractors the responsibilities of the Department of Labor to provide required protection for Government employees' property and costs.

Timetable:

Action	Date	FR Cite
Case Opened	01/08/86	
NPRM	09/27/88	53 FR 37611
NPRM Comment Period End	11/28/88	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB40

488. ● RECOVERY OF NONRECURRING COSTS ON COMMERCIAL SALES (DAR 86-017)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 234; 48 CFR 235; 48 CFR 242; 48 CFR 252

Legal Deadline: None

Abstract: Clarify role of contracting officers to establish and collect

recoupment charges on commercial foreign and domestic sales.

Timetable:

Action	Date	FR Cite
Case Opened	02/01/86	
NPRM	05/23/88	53 FR 18307
NPRM Comment Period End	07/22/88	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB41

---

489. ● ESTIMATING SYSTEM REVIEWS (DAR CASE 86-109)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 252

Legal Deadline: None

Abstract: Create procedures for disapproving contractor estimating systems deficiencies.

Timetable:

Action	Date	FR Cite
Case Opened	06/11/86	
NPRM	07/17/87	52 FR 27019
NPRM Comment Period End	09/15/87	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB42

---

490. ● BILLS OF LADING/DOMESTIC ROUTE ORDER/EXPORT TRAFFIC RELEASE, APPLICATION FOR U.S. GOVERNMENT, DD FORM 1659 (DAR CASE 87-086)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 253

Legal Deadline: None

Abstract: Change form to include a block for hazardous material.

Timetable:

Action	Date	FR Cite
Case Opened	07/06/87	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB43

---

491. ● ADEQUATE PRICE COMPETITION (DAR CASE 87-097)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Add coverage to DFARs Part 215 to give guidance on type of analysis, if any, to be done under a competition.

Timetable:

Action	Date	FR Cite
Case Opened	08/19/87	
NPRM	03/28/88	53 FR 10408
NPRM Comment Period End	05/02/88	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB44

---

492. ● WORK MEASUREMENT SYSTEMS (DAR CASE 87-123)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Solicitations and contracts over $20 million annually or over $100 million cumulatively shall include provisions for work measurement systems.

Timetable:

Action	Date	FR Cite
Case Opened	10/30/87	
NPRM	08/04/88	53 FR 29347
NPRM Comment Period End	10/03/88	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB45

493. ● ENGLISH TRANSLATION OF CONTRACTS AND GAS CYLINDERS (DAR CASE 87-129D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 247; 48 CFR 252

Legal Deadline: None

Abstract: Put "translation of contract" clause in DFAR and relocate clause for gas cylinders.

Timetable:

Action	Date	FR Cite
Case Opened	12/08/87	
NPRM	10/30/88	53 FR 38753
NPRM Comment Period End	12/02/88	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB47

494. ● RESTRICTIONS ON EMPLOYMENT, SEC. 8046, FISCAL YEAR 1988 (ALASKA/HAWAII) (DAR CASE 87-321)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 222

Legal Deadline: None

Abstract: 1988 Defense Appropriations Act identifies restrictions on employment of personnel for work in construction/service contracts in Alaska and Hawaii.

Timetable:

Action	Date	FR Cite
Case Opened	01/12/88	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB49

495. ● FORM DD250, UNIT PRICES (DAR CASE 88-012)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 245

Legal Deadline: None

Abstract: Change Block 19 of DD250 to require entry of actual or estimated unit prices.

Timetable:

Action	Date	FR Cite
Case Opened	02/16/88	
NPRM	07/18/88	53 FR 27055
NPRM Comment Period End	09/16/88	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB50

496. ● CERTIFICATION OF NECESSITY FOR GOVERNMENT-FURNISHED PROPERTY (DAR CASE 88-028D)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 245

Legal Deadline: None

Abstract: Delete "unwillingness" exception to requirement that contractor furnish industrial plant equipment; require Government certification that Government-furnished property is required.

Timetable:

Action	Date	FR Cite
Case Opened	04/12/89	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB51

497. ● ANTIFRICTION BEARINGS (DAR CASE 88-035)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 208

Legal Deadline: None

Abstract: Develop DFARs coverage for antifriction bearings.

Timetable:

Action	Date	FR Cite
Case Opened	03/18/88	
Interim Final Rule	08/04/88	53 FR 29332
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary,

Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB52

498. ● MASTER SOLICITATION AND AWARD FEES (DAR CASE 88-050D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 214; 48 CFR 215

Legal Deadline: None

Abstract: Put DFARs coverage concerning master solicitations and award fees into FAR.

Timetable:

Action	Date	FR Cite
Case Opened	07/19/88	
NPRM	10/21/88	53 FR 41390
NPRM Comment Period End	12/20/88	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB54

499. ● DFARS 22.4-CONSTRUCTION LABOR STANDARDS (DAR CASE 88-055)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 222

Legal Deadline: None

Abstract: New DFARs 22.4 to supplement FAR 22.4 published in FAC 84-34.

Timetable:

Action	Date	FR Cite
Case Opened	04/19/88	
NPRM	10/03/88	53 FR 38749
NPRM Comment Period End	12/02/88	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB56

500. ● INTERIM CONTRACT COMPLETION PROCEDURES (DAR CASE 88-072)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 204

Legal Deadline: None

Abstract: ACO provides closeout notification to buying offices.

Timetable:

Action	Date	FR Cite
Case Opened	06/20/88	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB57

501. ● DD 1630, RESEARCH AND DEVELOPMENT BIDDERS MAILING LIST (DAR CASE 88-090)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 235; 48 CFR 253

Legal Deadline: None

Abstract: Delete DD 1630 from DFARs, delete Supp. 4, and modify the DFARs Part 35 to show deletion of DD Form 1630.

Timetable:

Action	Date	FR Cite
Case Opened	07/19/88	
NPRM	01/19/89	54 FR 02166
NPRM Comment Period End	02/21/89	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB59

502. ● MILITARY INTERDEPARTMENT PURCHASE REQUESTS (MIPRS) (DAR CASE 88-104)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 208

Legal Deadline: None

Abstract: Change DFARs 8.7 to incorporate Joint Logistics Command recommended changes to expedite processing of MIPR's and withdrawal of excess funds.

Timetable:

Action	Date	FR Cite
Case Opened	08/17/88	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB60

503. ● PROGRESS PAYMENT RATES, INCREASE (DAR CASE 88-111)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 232; 48 CFR 252

Legal Deadline: None

Abstract: Change progress payment rates to agree with FAR.

Timetable:

Action	Date	FR Cite
Case Opened	08/18/88	
Interim Final Rule	09/14/88	53 FR 35511
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB61

504. ● CONTINGENCY CONTRACTING OVERSEAS (DAR CASE 88-129)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 213

Legal Deadline: None

Abstract: The Joint Chiefs of Staff is proposing new DFARs language to raise imprest fund threshold to $2500 and SF 44 ceiling to equal small purchase threshold.

Timetable:

Action	Date	FR Cite
Case Opened	10/19/88	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB63

505. ● NEGOTIATED SETTLEMENTS, ARMED SERVICES BOARD OF CONTRACT APPEALS (DAR CASE 88-130)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 233

Legal Deadline: None

Abstract: Contracting officer should consider whether information on similar claims by the same contractor is helpful in negotiating present settlement claims.

Timetable:

Action	Date	FR Cite
Case Opened	10/12/88	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB64

506. ● AUTOMATED PURCHASING SYSTEMS AND CONTRACTOR PROCUREMENT SYSTEM REVIEWS (CPSRS) (DAR CASE 88-152)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: None

Legal Deadline: None

Abstract: CPSR Manual (SUP 1) needs to be revised slightly to allow reviewers to deal with automated purchasing systems.

Timetable:

Action	Date	FR Cite
Case Opened	12/30/88	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB65

507. ● INCENTIVES FOR INNOVATION, SEC. 806, 1989 AUTHORIZATION ACT (DAR CASE 88-305)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 806

CFR Citation: 48 CFR 227

Legal Deadline: None

Abstract: Impose limits on Government's rights to require that proposals offer additional rights in technical data concerning items developed at private expense.

Timetable:

Action	Date	FR Cite
Case Opened	10/06/88	
Interim Final Rule	12/22/88	53 FR 51557
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB67

---

508. ● VALVE AND MACHINE TOOLS, SEC. 822, 1989 AUTHORIZATION ACT (DAR CASE 88-307)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 822

CFR Citation: 48 CFR 225; 48 CFR 252

Legal Deadline: None

Abstract: Cannot buy machine tools not made in U.S. or Canada.

Timetable:

Action	Date	FR Cite
Case Opened	10/05/88	
Interim Final Rule	02/21/89	54 FR 07425
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB68

---

509. ● PROHIBIT EMPLOYMENT OF FELONS, SEC. 831, 1989 AUTHORIZATION ACT (DAR CASE 88-309)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 831

CFR Citation: 48 CFR 203; 48 CFR 252

Legal Deadline: None

Abstract: Change disqualification of defense contract employee from 1 to 5 years for convicted felons whose cases arise out of DoD contracts.

Timetable:

Action	Date	FR Cite
Case Opened	10/06/88	
NPRM	12/09/88	53 FR 49694
NPRM Comment Period End	01/09/89	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB69

---

510. ● MATERIAL REQUIREMENTS PLANNING, SEC. 834, 1989 AUTHORIZATION ACT (DAR CASE 88-311)

Significance: Agency Priority

Legal Authority: PL 100-456, Sec 834

CFR Citation: 48 CFR 245; 48 CFR 252

Legal Deadline: Final, Statutory, March 28, 1989.

Abstract: Develop standards for inventory accounting systems and enforcement requirements.

Timetable:

Action	Date	FR Cite
Case Opened	10/05/88	
NPRM	10/28/88	53 FR 43738
NPRM Comment Period End	12/27/88	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB70

---

511. ● PROMPT PAYMENT, SEC. 3901, PROMPT PAYMENT ACT, PL 100-496 (DAR CASE 88-314D)

Significance: Agency Priority

Legal Authority: PL 100-496, Sec 3901

CFR Citation: 48 CFR 232; 48 CFR 252

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: Incorporate prompt payment requirements as a result of Prompt Payment Act.

Timetable:

Action	Date	FR Cite
Case Opened	02/27/89	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB71

---

512. ● PROCUREMENT INTEGRITY, SEC. 6, OFPP ACT (DAR CASE 88-315D)

Significance: Agency Priority

Legal Authority: PL 100-679, Sec 6

CFR Citation: 48 CFR 203; 48 CFR 252

Legal Deadline: None

Abstract: Contracts cannot offer future employment to a Government employee during conduct of procurement of property or services.

Timetable:

Action	Date	FR Cite
Case Opened	10/27/88	
NPRM	03/27/89	54 FR 12566
NPRM Comment Period End	04/26/89	
Final Action	05/16/89	54 FR 21067
Final Action Effective	05/16/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB72

513. ● SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM (DAR CASE 88-322D)

Significance: Agency Priority

Legal Authority: PL 100-656

CFR Citation: 48 CFR 204

Legal Deadline: None

Abstract: Provide for enhanced goals for small businesses in certain industry groups.

Timetable:

Action	Date	FR Cite
Case Opened	01/06/89	
Interim Final Rule	01/27/89	54 FR 04246
Final Action	06/22/89	54 FR 30738
Final Action Effective	06/22/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB73

514. ● SMALL AND DISADVANTAGED BUSINESS UTILIZATION (SADBU) REPRESENTATIVES RECOMMENDATION ON CONTRACT AWARD, PL 100-656, SEC. 603 (DAR CASE 88-332D)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 603

CFR Citation: 48 CFR 219

Legal Deadline: None

Abstract: SADBU's to make recommendation to contracting officers as to whether award can be made as 15(a), 8(a), or sec. 1207.

Timetable:

Action	Date	FR Cite
Case Opened	02/02/89	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB77

515. ● DREDGING PROGRAM, SEC. 722, PL 100-656 (DAR CASE 88-334)

Significance: Agency Priority

Legal Authority: PL 100-656, Sec 722

CFR Citation: 48 CFR 219; 48 CFR 252

Legal Deadline: None

Abstract: Implement "Dredging Program" requirement of PL 100-656.

Timetable:

Action	Date	FR Cite
Case Opened	02/22/89	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB78

516. ● THRESHOLD OF DFARS PART 13 (DAR CASE 88-419)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 213

Legal Deadline: None

Abstract: Review dollar thresholds in DFAR Part 13.

Timetable:

Action	Date	FR Cite
Case Opened	03/24/88	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB83

517. ● APPLICATION OF FIXED PRICE AWARD FEE (DAR CASE 88-430D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 216

Legal Deadline: None

Abstract: Provide an incentive to encourage quality performance under fixed price conditions.

Timetable:

Action	Date	FR Cite
Case Opened	01/11/89	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB84

---

518. ● ARCHITECTURAL - ENGINEERING PERFORMANCE EVALUATIONS (DAR CASE 88-434D)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 236

Legal Deadline: None

Abstract: Delete reference to outdated book and require SF 1421 be sent to a central database.

Timetable:

Action	Date	FR Cite
Case Opened	08/16/88	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB85

---

519. ● DEFINITION OF LABOR SURPLUS AREA FORM - DEFENSE PERSONNEL SUPPLY CENTER (DPSC) (DAR CASE 89-002)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 220

Legal Deadline: None

Abstract: Authorize DPSC to review second tier subcontract level to determine if substantial performance of a contract will be done in a labor surplus area for clothing.

Timetable:

Action	Date	FR Cite
Case Opened	01/10/89	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB86

---

520. ● INDUSTRIAL PREPAREDNESS PLANNING (IPP) (DAR CASE 89-003)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207

Legal Deadline: None

Abstract: Establish IPP as mandatory vice discretionary entry in acquisition plans.

Timetable:

Action	Date	FR Cite
Case Opened	01/17/89	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB87

---

521. ● DOD PARTS CONTROL PROGRAM (PCP) AND STANDARDIZED MILITARY DRAWINGS (SMD) PROGRAM (DAR CASE 89-004)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 207; 48 CFR 234

Legal Deadline: None

Abstract: Change references from specifically microcircuits to a DoD military standard.

Timetable:

Action	Date	FR Cite
Case Opened	01/25/89	
Final Action	03/22/89	54 FR 11722
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB88

---

522. ● USE OF DD1155 AS A DELIVERY ORDER FORM (DAR CASE 89-005)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 208; 48 CFR 213; 48 CFR 216

Legal Deadline: None

Abstract: The lack of FAR or DFARs section corresponding to the old DAR Sec. XVI has resulted in intermittent

coverage on use of 1155S as delivery order forms.

Timetable:

Action	Date	FR Cite
Case Opened	01/25/89	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB89

---

523. ● DD FORM 350, GSA SCHEDULES (DAR CASE 89-012)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 253

Legal Deadline: None

Abstract: Revise changes to DD Form 350 made under DAR Case 88-87.

Timetable:

Action	Date	FR Cite
Case Opened	01/11/89	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB90

---

524. ● FORM, DD 350 CHANGES (FY 90) (DAR CASE 89-016)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 204

Legal Deadline: None

Abstract: Make FY 90 changes to the DD 350 reporting system.

Timetable:

Action	Date	FR Cite
Case Opened	02/07/89	
Final Action	07/06/89	54 FR 28419
Final Action Effective	07/06/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB91

---

525. ● WAIVERS OF SUBMISSION AND CERTIFICATION OF COST AND PRICING DATA (DAR CASE 89-017)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Institutionalize existing blanket waivers.

Timetable:

Action	Date	FR Cite
Case Opened	02/14/89	
Final Action	04/21/89	54 FR 16111
Final Action Effective	04/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB92

---

526. ● SMALL DISADVANTAGED BUSINESS; HISTORICALLY BLACK COLLEGES AND UNIVERSITIES - 5 PERCENT GOAL (DAR CASE 89-023)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 219; 48 CFR 226; 48 CFR 252

Legal Deadline: None

Abstract: The Office of the Secretary of Defense proposes DFARs coverage to make progress toward 5 percent goal for DoD.

Timetable:

Action	Date	FR Cite
Case Opened	03/03/89	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, **703 697-7266**

RIN: 0790–AB93

---

527. ● PROTESTS-LEHIGH INSTRUMENTS (DAR CASE 89-025)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 225

Legal Deadline: None

Abstract: Change DFAR to cover when a Canadian firm does not send a Canadian Commercial Corporation endorsement as part of the request for proposal.

DOD—OS

Completed Actions

Timetable:

Action	Date	FR Cite
Case Opened	03/10/89	
Final Action	06/22/89	54 FR 26202
Final Action Effective	06/22/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB95

528. ● VENDOR PRICES, HISTORICAL (DAR CASE 89-030)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 215

Legal Deadline: None

Abstract: Add DFARs 15.811-76(b)(9).

Timetable:

Action	Date	FR Cite
Case Opened	03/31/89	
Final Action	05/12/89	54 FR 20589
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB96

529. ● ANTI-KICKBACK, DESIGNATION OF DEPARTMENT OF DEFENSE INSPECTOR GENERAL (DODIG) REPRESENTATIVES (DAR CASE 89-043)

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 203

Legal Deadline: None

Abstract: Includes special agents of each service's investigative service as designated agents for DoDIG for Anti-Kickback Act.

Timetable:

Action	Date	FR Cite
Case Opened	05/02/89	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB97

530. ● SERVICE CONTRACT ACT - DFARS (DAR CASE 89-046)

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 2202

CFR Citation: 48 CFR 222

Legal Deadline: None

Abstract: Delete current DFARs 22.10 reserve Subpart.

Timetable:

Action	Date	FR Cite
Case Opened	05/10/89	
Final Action	07/24/89	54 FR 30738
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Owen Green, Procurement Analyst, Department of Defense, Office of the Secretary, Defense Acquisition Regulatory System, Pentagon, Room 3D139, Washington, DC 20301-3062, 703 697-7266

RIN: 0790–AB98

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

531. THE ARMY GENERAL COUNSEL'S HONORS PROGRAM

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702–AA00

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Proposed Rule Stage

532. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Prescribes responsibilities and procedures with regard to use of U.S. Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, 703 272-7796

RIN: 0702–AA02

533. REGULATIONS AFFECTING MILITARY RESERVATIONS: PROHIBITED ACTIVITIES AT FORT BRAGG, NC

Legal Authority: 10 USC 3012

CFR Citation: 32 CFR 552

Legal Deadline: None

Abstract: This regulation establishes the criteria for enforcement of certain State laws and installation rules pertaining to driving offenses and hunting and fishing privileges on the Fort Bragg installation. This regulation provides guidance on motor vehicle offenses and the requirements to obtain hunting and fishing privileges for anyone (military or civilian) employed on, visiting, or traveling through the above reservation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John O. Roach, Army Liaison Officer with the Federal Register, Department of Defense, Department of the Army, HQDA, SFIS-APP, Alexandria, VA 22331-0302, 703 325-6297

RIN: 0702–AA17

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

534. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and State resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Zell Steever, Chief, Technical Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-1780

RIN: 0710–AA17

535. NATIONWIDE PERMIT PROGRAM

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	06/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Regulations Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA20

536. ● PART 325, PROCESSING DEPARTMENT OF THE ARMY PERMITS

Significance: Agency Priority

DOD—COE

Proposed Rule Stage

Legal Authority: 33 USC 401 et seq; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325.1(f)

Legal Deadline: None

Abstract: This regulation will provide for an increase in the fees charged for Department of the Army permits issued pursuant to section 10 of the River and Harbor Act of 1899, section 404 of the Clean Water Act, and section 103 of the Marine Protection Research and Sanctuaries Act; by the Corps of Engineers. This action is being taken after an evaluation of the current fee structure by the Department of Defense Inspector General determined that the fee amounts had not been changed for a significant time. The regulation change will also restructure the fees from "permit fees" to nonrefundable application fees.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	
Final Action	10/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $1,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Chief, Program Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW, Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA23

537. ● PART 326, ENFORCEMENT; CLASS II ADMINISTRATIVE PENALTIES

Significance: Agency Priority

Legal Authority: 33 USC 1319(g)

CFR Citation: 33 CFR 326.7

Legal Deadline: None

Abstract: The regulation provides the procedures for assessing Class II administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act. Clean Water Act Class II administrative penalties may not exceed $10,000 per day, and may not exceed a maximum of $125,000.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $3,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Chief, Program Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW, Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA25

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

538. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 401; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	03/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of Government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Sam Collinson, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA12

539. ● PART 326, ENFORCEMENT; CLASS I ADMINISTRATIVE PERMITS

Significance: Agency Priority

Legal Authority: 33 USC 1319(g); 33 USC 2101

CFR Citation: 33 CFR 326.6

Legal Deadline: None

Abstract: The regulations provide the procedures for assessing Class I administrative penalties for violations of the conditions and limitations contained in permits issued by the Corps of Engineers pursuant to section 404 of the Clean Water Act and/or pursuant to the National Fishing Enhancement Act. Class I administrative penalties may not exceed $10,000 per violation, except that there is a maximum for Class I penalties under the Clean Water Act of $25,000; and penalties under the National Fishing Enhancement Act may not exceed $10,000.

DOD—COE — **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20608
NPRM Comment Period End	06/12/89	
Final Action	11/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $6,000,000; Base Year for Dollar Estimates: 1989

Sectors Affected: All

Agency Contact: Jack T. Chowning, Chief, Program Section, Regulatory Branch, Department of Defense, U.S. Army Corps of Engineers, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202 272-1781

RIN: 0710–AA24

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Final Rule Stage

540. ● RELEASE OF OFFICIAL INFORMATION FOR LITIGATION

Significance: Agency Priority

Legal Authority: 5 USC 301; 10 USC 5013; 31 USC 9701; 32 CFR 97

CFR Citation: 32 CFR 725

Legal Deadline: None

Abstract: This regulation establishes policy, assigns responsibilities, and prescribes procedures for responding to requests for the release of official DON information, including testimony by DON personnel as witnesses, in connection with actual or contemplated litigation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/22/89	54 FR 26189
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: CDR R. F. Walsh, Department of Defense, Department of the Navy, Office of the Judge Advocate General, 200 Stovall Street, Alexandria, VA 22332-2400, 202 325-9870

RIN: 0703–AA30

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

541. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 837

Legal Deadline: None

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj. Martens, Department of Defense, Department of the Air Force, HQ USAF (SAF/PAR), Washington, DC 20330, 202 697-6701

RIN: 0701–AA18

542. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 842

Legal Deadline: None

Abstract: Establishes standard policies and procedures to administratively process claims and tort litigation involving the Air Force.

Timetable:

Action	Date	FR Cite
Begin Review	02/28/86	
End Review	01/31/88	
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj. Adams, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1575

RIN: 0701–AA19

543. ● AIR FORCE VISUAL INFORMATION SYSTEMS (AFR 700-32)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 811

Legal Deadline: None

Abstract: Establishes policy for the management of the Air Force visual information documentation program. Establishes policy on the release, dissemination and sale of Air Force visual information materials.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj. Urben, Department of Defense, Department of the Air Force, HQ USAF/SCV, Washington, DC 20330, 202 695-9610

RIN: 0701–AA28

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

544. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR Chapter 53

Legal Deadline: None

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/89	54 FR 7813
Contracting by Negotiation		
48 CFR Ch 53, AFSC FARS	09/14/87	(52 FR 34692)
Withdrawal of Proposed Rule	01/25/89	(54 FR 3627)
Price Negotiation		
48 CFR 5315, AF FARS;	03/04/87	(52 FR 6590)
Withdrawal of Proposed Rule	01/25/89	(54 FR 3630)
Surplus Material Acquisition		
48 CFR Ch 53, AFLC FARS	10/30/86	(51 FR 39676)

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Col. Bruce Whitty**, Special Assistant for FAR, Department of Defense, Department of the Air Force, SAF/AQCF, **202 695-3858**

RIN: 0701–AA14

[FR Doc. 89-21719 Filed 10-27-89; 8:45 am]

BILLING CODE 3810-01-T

Federal Register

Monday
October 30, 1989

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a Semiannual Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin No. 89-12 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to Kenneth C. Depew, Acting Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue SW., Washington, DC 20202-2241. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 89-12, dated July 15, 1989, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness, and to the extent possible, vesting greater discretion in State and local agencies; and (2) if necessary, to clarify and simplify requirements governing that program.

The Department will review all regulations to be promulgated to ensure that they reflect the principles set forth in the joint statement issued by the President and the Nation's Governors developed during the course of the Education Summit held on September 27-28, 1989, in Charlottesville, Virginia. Particular attention will be given to increasing flexibility at the State and local levels in the use of Federal funds, in return for greater accountability for increasing the levels of education and training under the Department's programs.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

Dated: August 25, 1989.

Edward C. Stringer,

General Counsel.

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
545	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27
546	U.S. Exchange Visitor Program - Request for Waiver of the Two-Year Foreign Residence Requirement	1880-AA29

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
547	Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	1880-AA38
548	Uniform Administrative Requirements for Grants and Cooperative Agreements	1880-AA34

ED

Departmental Management—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
549	Education Department General Administrative Regulations -- Amendments II	1880-AA24
550	Technical Amendments to Program Regulations	1880-AA33
551	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1880-AA39

Departmental Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
552	Debt Collection; Interest on Outstanding Debts	1880-AA03
553	General Education Provisions Act - Enforcement	1880-AA35

Office of Bilingual Education and Minority Languages Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
554	Bilingual Education: State Educational Agency Program	1885-AA18

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
555	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
556	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs - Accessibility Standards	1870-AA09
557	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
558	Secretary's Fund for Innovation in Education	1850-AA35
559	National Program for Mathematics and Science Education	1850-AA34
560	Fund for the Improvement and Reform of Schools and Teaching	1850-AA33
561	National Diffusion Network	1850-AA19

ED

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
562	Federal, State, and Local Partnership for Educational Improvement	1810-AA49
563	Chapter 1 - Migrant Education Program	1810-AA48
564	Women's Educational Equity Act Program	1810-AA16

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
565	Dwight D. Eisenhower Mathematics and Science Education Program	1810-AA40
566	Chapter 1 Program in Local Educational Agencies	1810-AA50
567	Chapter 1 Program for Neglected or Delinquent Children	1810-AA46
568	Chapter I - Migrant Education Coordination Program for State Educational Agencies	1810-AA42
569	Even Start Migrant Education Program	1810-AA39
570	Assist. for LEAs in Areas Affected by Fed. Acts. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed.--Heavily Impacted Districts; Avg. Daily Attendance	1810-AA20
571	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Education of Children Where LEAs Cannot Provide Suitable Free Public Ed. - Sec. 2 (Consolidated Dist. Provisions)	1810-AA52
572	Christa McAuliffe Fellowship Program	1810-AA35
573	Indian Education General Provisions and Discretionary Grants	1810-AA53
574	Indian Education; Formula Grants to Local Educational Agencies	1810-AA43
575	Indian Education General Provisions and Discretionary Grant Programs - Amendments to Selection Criteria	1810-AA51
576	Indian Fellowship Program	1810-AA44
577	Magnet Schools Assistance Program	1810-AA13

Office of Planning and Budget and Evaluation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
578	Protection of Human Subjects in Research	1875-AA07

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
579	Eligibility of Foreign Postsecondary Educational Institutions Under the Guaranteed Student Loan Program	1840-AB20
580	Student Assistance General Provisions - Verification	1840-AB07
581	Student Assistance General Provisions -- Miscellaneous Amendments, Selective Service Registration Requirements	1840-AB19
582	Student Assistance General Provisions -- Immigration Status Confirmation	1840-AB30
583	Perkins Loan Program, College Work-Study, and Supplemental Educational Opportunity Grant Programs--(Miscellaneous changes)	1840-AB22
584	Perkins Loan, College Work Study and Supplemental Educational Opportunity Grant Program	1840-AB31
585	Perkins Loan Program	1840-AB33
586	Stafford Loan (GSL)/PLUS/Supplemental Loans for Students/ Consolidation Loan Programs	1840-AA96
587	Pell Grant Program - Technical Revisions	1840-AB34

ED

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
588	Paul Douglas Teacher Scholarship Program and Guaranteed Student Loan and PLUS Programs--Targeted Teacher Deferments	1840-AB03
589	Student Assistance General Provisions and Institutional Eligibility--Secretary's Accountability Initiatives	1840-AB18
590	Income Contingent Loan Program - Due Diligence	1840-AB04
591	Guaranteed Student Loan and PLUS Programs, Default Reduction Initiative	1840-AB32

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
592	Institutional Eligibility Conversion of Clock Hours	1840-AA32
593	Robert C. Byrd Honors Scholarship Program	1840-AB06
594	Student Assistance General Provisions, Guaranteed Student Loan/ PLUS/Supplemental Loans for Students Programs--Default Reduction	1840-AB21

Office of Special Education and Rehabilitative Services—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
595	The State Supported Employment Services Program	1820-AA86

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
596	Chapter 1 - State Operated or Supported Programs for Handicapped Children	1820-AA83
597	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47
598	Rehabilitation Services Administration General Deregulation	1820-AA45
599	The State Independent Living Rehabilitation Services Program - Deregulation	1820-AA37
600	Centers for Independent Living - Standards and Evaluation Indicators	1820-AA81

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
601	Training Personnel for the Education of the Handicapped -- Grants to State Educational Agencies or Institutions of Higher Education	1820-AA85
602	Projects with Industry - Compliance Indicators	1820-AA82

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
603	Assistance to States for Education of Handicapped Children	1820-AA71
604	Early Intervention Program for Infants and Toddlers with Handicaps	1820-AA49

ED

Office of Special Education and Rehabilitative Services—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
605	Services for Deaf-Blind Children and Youth Program	1820-AA53
606	Technology - Related Assistance for Individuals with Disabilities	1820-AA84

Office of Vocational and Adult Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
607	State Administered Adult Education Programs and Secretary's Discretionary Programs of Adult Education	1830-AA06

Office of Intergovernmental and Interagency Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
608	Intergovernmental Review of Department of Education Programs and Activities -- List of Programs	1860-AA00

Office of the General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
609	Equal Access to Justice	1801-AA01

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Departmental Management (EDMAN)

545. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 012

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David B. Hakola, Coordinator, Federal Property, Administrator for Management Services, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1175, FOB-6, Washington, DC 20202, **202 732-5500**

RIN: 1880–AA27

546. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO-YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 22 USC 2451

CFR Citation: 34 CFR 050

Legal Deadline: None

Abstract: These regulations would establish procedures and criteria for the waiver of the two-year foreign residence requirement for exchange visitors under the Mutual Educational and Cultural Exchange Program.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stewart Tinsman, Director International and Territorial, Affairs Staff, Department of Education, Departmental Management, Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW (Rm. 3023, FOB-6), Washington, DC 20202, **202 732-5430**

RIN: 1880–AA29

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Final Rule Stage

547. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 105

Legal Deadline: None

Abstract: This regulation would specify the applicability of Sec. 504 of the Rehabilitation Act of 1973 to the federally conducted programs of the Department of Education. Sec. 504 prohibits discrimination on the basis of an individual's handicap.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	53 FR 10808
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kilpatrick, Equal Employment Opportunity Staff, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1167, FOB-6), Washington, DC 20202-4550, **202 732-3560**

RIN: 1880–AA38

548. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 080

Legal Deadline: None

Abstract: These regulations remove Part 80 and revise Part 74 to establish certain government-wide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit and commercial organizations. These regulations are based on an OMB proposal to combine OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Cooperative Agreements with Institutions of Higher Education Hospitals and Other Nonprofit Organizations) into a single, unified grants management circular. The revised circular, for the first time, also apply these administrative requirements to commercial organizations that receive grants or cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 3636, ROB-3, Washington, DC 20202, **202 732-7400**

RIN: 1880–AA34

549. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS – AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 74; 34 CFR 75; 34 CFR 76; 34 CFR 77; 34 CFR 237; 34 CFR 263; 34 CFR 356; 34 CFR 562; 34 CFR 630; 34 CFR 653; 34 CFR 762

Legal Deadline: None

Abstract: See Preamble. The Department is proposing miscellaneous amendments to update and improve the regulations in 34 CFR Parts 74, 75, 76, and 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31580
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3636, ROB-3), Washington, DC 20202, **202 732-7400**

RIN: 1880–AA24

550. TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 80

Legal Deadline: None

Abstract: On November 4, 1988, the Department published an NPRM proposing to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and non-profit and commercial organizations. The regulations appear in a revised 34 CFR Part 74. These amendments to program regulations specify the extent to which the revised Part 74 regulations apply to the programs of the Department. The regulations also specify statutorily required deviations to the revised Part 74 regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 3636, ROB-3, Washington, DC 20202, **202 732-7400**

RIN: 1880–AA33

551. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; 20 USC 1221e-3(a)(1); 20 USC 3474

CFR Citation: 34 CFR 85

Legal Deadline: None

Abstract: These regulations implement Governmentwide common provisions based on the Anti Drug-Abuse Act of 1988, enacted November 18, 1988. An interim final rule was published January 31, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/89	54 FR 4946
Final Action	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Mary Jane Kane, Management Analyst, Office of Management, Department of Education, Departmental Management, Grants and

Contracts Service, 400 Maryland Ave. S.W. Room 3636, ROB-3, Washington, D.C. 20202, 202 732-7400

RIN: 1880–AA39

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Completed Actions

552. DEBT COLLECTION; INTEREST ON OUTSTANDING DEBTS

CFR Citation: 34 CFR 030

Completed:

Reason	Date	FR Cite
Withdrawn	08/22/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Greg Ulanes 202 732-5561

RIN: 1880–AA03

553. GENERAL EDUCATION PROVISIONS ACT - ENFORCEMENT

CFR Citation: 34 CFR 081

Completed:

Reason	Date	FR Cite
Final Action	05/05/89	54 FR 19512
Final Action Effective	06/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barry W. Stevens 202 732-2730

RIN: 1880–AA35

DEPARTMENT OF EDUCATION (ED)
Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Completed Actions

554. BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM

CFR Citation: 34 CFR 548

Completed:

Reason	Date	FR Cite
Final Action	05/05/89	54 FR 19488
Final Action Effective	06/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luis A. Catarineau 202 732-5700

RIN: 1885–AA18

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Proposed Rule Stage

555. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William L. Smith, Acting Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA06

DEPARTMENT OF EDUCATION (ED)

Office for Civil Rights (OCR)

Final Rule Stage

556. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS - ACCESSIBILITY STANDARDS

Legal Authority: 29 USC 794; 29 USC 1405

CFR Citation: 34 CFR 104

Legal Deadline: None

Abstract: These amendments include a cross-reference to the Uniform Federal Accessibility Standards in federally assisted programs or activities.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
NPRM Comment Period End	05/08/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William L. Smith, Acting Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave., SW, Room 5000, Switzer Bldg., Washington, DC 20202, **202 732-1213**

RIN: 1870–AA09

557. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None

Abstract: These agency-specific final regulations provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William L. Smith, Acting Assistant Secretary for Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5000, Switzer Bldg., Washington, DC 20202, **202 732-1213**

RIN: 1870–AA05

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

Completed Actions

558. SECRETARY'S FUND FOR INNOVATION IN EDUCATION

CFR Citation: 34 CFR 731; 34 CFR 732; 34 CFR 733; 34 CFR 734

Completed:

Reason	Date	FR Cite
Withdrawn	04/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard LaPointe 202 357-6496

RIN: 1850–AA35

559. NATIONAL PROGRAM FOR MATHEMATICS AND SCIENCE EDUCATION

CFR Citation: 34 CFR 755

Completed:

Reason	Date	FR Cite
Final Action	08/10/89	54 FR 32946
Final Action Effective	09/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard LaPointe 202 357-6496

RIN: 1850–AA34

560. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

CFR Citation: 34 CFR 757; 34 CFR 758

Completed:

Reason	Date	FR Cite
Final Action	05/02/89	54 FR 18840
Final Action Effective	06/16/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard La Pointe 202 357-6496

RIN: 1850–AA33

561. NATIONAL DIFFUSION NETWORK

CFR Citation: 34 CFR 785; 34 CFR 786; 34 CFR 787

Completed:

Reason	Date	FR Cite
Final Action	06/08/89	54 FR 24648
Final Action Effective	07/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lee E. Wickline 202 357-6134

RIN: 1850–AA19

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Final Rule Stage

562. FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

Legal Authority: 20 USC 2911 to 2952; 20 USC 2971 to 2976

CFR Citation: 34 CFR 298; 34 CFR 76; 34 CFR 80

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	54 FR 8708
NPRM Comment Period End	05/01/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alicia C. Coro, Director, School Improvement Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2040, Washington, DC 20202-6245, 202 732-4657

RIN: 1810–AA49

563. CHAPTER 1 - MIGRANT EDUCATION PROGRAM

Legal Authority: 20 USC 2781; 20 USC 2782

CFR Citation: 34 CFR 201

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3924
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, 202 732-4758

RIN: 1810–AA48

564. WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Legal Authority: 20 USC 3041 to 3047

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Legal Deadline: None

Abstract: See Preamble. These regulations also implement certain provisions of the Education Amendments of 1984, PL 98-511 and the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4742
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alice T. Ford, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2053, Washington, DC 20202-6439, 202 732-4351

RIN: 1810–AA16

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

565. DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION PROGRAM

CFR Citation: 34 CFR 208

Completed:

Reason	Date	FR Cite
Final Action	08/10/89	54 FR 39236
Final Action Effective	09/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carolyn Lee 202 732-4157

RIN: 1810–AA40

566. CHAPTER 1 PROGRAM IN LOCAL EDUCATIONAL AGENCIES

CFR Citation: 34 CFR 200

Completed:

Reason	Date	FR Cite
Final Action	05/19/89	54 FR 21752
Final Action Effective	07/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Ogura 202 732-4701

RIN: 1810–AA50

567. CHAPTER 1 PROGRAM FOR NEGLECTED OR DELINQUENT CHILDREN

CFR Citation: 34 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	07/18/89	54 FR 30192
Final Action Effective	09/04/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Ogura 202 732-4701

RIN: 1810–AA46

ED—OESE

Completed Actions

568. CHAPTER I - MIGRANT EDUCATION COORDINATION PROGRAM FOR STATE EDUCATIONAL AGENCIES

CFR Citation: 34 CFR 205

Completed:

Reason	Date	FR Cite
Final Action	05/09/89	54 FR 20052
Final Action Effective	06/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio 202 732-4758

RIN: 1810–AA42

569. EVEN START MIGRANT EDUCATION PROGRAM

CFR Citation: 34 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	05/25/89	54 FR 22728
Final Action Effective	07/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio 202 732-4758

RIN: 1810–AA39

570. ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACTS. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED.--HEAVILY IMPACTED DISTRICTS; AVG. DAILY ATTENDANCE

CFR Citation: 34 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	09/07/89	54 FR 37250

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen 202 732-3637

RIN: 1810–AA20

571. ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED. - SEC. 2 (CONSOLIDATED DIST. PROVISIONS)

CFR Citation: 34 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	07/18/89	54 FR 30039
Final Action Effective	09/04/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen 202 732-4655

RIN: 1810–AA52

572. CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

CFR Citation: 34 CFR 237

Completed:

Reason	Date	FR Cite
Final Action	03/15/89	54 FR 10966
Final Action Effective	05/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ramon Ruiz 202 732-4059

RIN: 1810–AA35

573. INDIAN EDUCATION GENERAL PROVISIONS AND DISCRETIONARY GRANTS

CFR Citation: 34 CFR 250; 34 CFR 252; 34 CFR 253; 34 CFR 254; 34 CFR 255; 34 CFR 256; 34 CFR 257; 34 CFR 258

Completed:

Reason	Date	FR Cite
Final Action	05/11/89	54 FR 20480
Final Action Effective	07/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Aaron N. Shedd 202 732-1887

RIN: 1810–AA53

574. INDIAN EDUCATION; FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

CFR Citation: 34 CFR 251

Completed:

Reason	Date	FR Cite
Final Action	05/04/89	54 FR 19334
Final Action Effective	06/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Lesceux 202 732-5146

RIN: 1810–AA43

575. INDIAN EDUCATION GENERAL PROVISIONS AND DISCRETIONARY GRANT PROGRAMS - AMENDMENTS TO SELECTION CRITERIA

CFR Citation: 34 CFR 250; 34 CFR 252; 34 CFR 253; 34 CFR 254; 34 CFR 255; 34 CFR 256; 34 CFR 257; 34 CFR 258

Completed:

Reason	Date	FR Cite
Withdrawn	08/09/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Aaron N. Shedd 202 732-1887

RIN: 1810–AA51

576. INDIAN FELLOWSHIP PROGRAM

CFR Citation: 34 CFR 263

Completed:

Reason	Date	FR Cite
Final Action	05/18/89	54 FR 21576
Final Action Effective	07/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothea Perkins 202 732-1938

RIN: 1810–AA44

577. MAGNET SCHOOLS ASSISTANCE PROGRAM

CFR Citation: 34 CFR 280

ED—OESE **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	05/05/89	54 FR 19506
Final Action Effective	06/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie Mack 202 732-4358

RIN: 1810–AA13

DEPARTMENT OF EDUCATION (ED) — Final Rule Stage
Office of Planning and Budget and Evaluation (OPBE)

578. PROTECTION OF HUMAN SUBJECTS IN RESEARCH

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 097

Legal Deadline: None

Abstract: These regulations implement procedures to protect human research subjects and implement a recommendation from the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The regulations set forth a common Federal policy for the protection of human subjects accepted by the Office of Science and Technology Policy in the Executive Office of the President.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ed Glassman, Evaluation Systems Expert, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW, (Room 3127-FOB-6), Washington, DC 20202, 202 732-3132

RIN: 1875–AA07

DEPARTMENT OF EDUCATION (ED) — Proposed Rule Stage
Office of Postsecondary Education (OPE)

579. ELIGIBILITY OF FOREIGN POSTSECONDARY EDUCATIONAL INSTITUTIONS UNDER THE GUARANTEED STUDENT LOAN PROGRAM

Legal Authority: 20 USC 1082; 20 USC 1085

CFR Citation: 34 CFR 606

Legal Deadline: None

Abstract: These regulations would establish procedures and criteria the Secretary would use to determine the eligibility of institutions located outside the United States for participation in student loan programs authorized under Title IV, Part B of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia Re, Division of Eligibility, and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW., Room 3030 - ROB-3, Washington,DC 20202, 202 732-4906

RIN: 1840–AB20

580. STUDENT ASSISTANCE GENERAL PROVISIONS - VERIFICATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), the Tax Reform Act of 1986, and the Compact of Free Associations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lorraine Kennedy, Student Verification Branch, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Room 4613 - ROB-3), Washington, DC 20202, 202 732-5592

RIN: 1840–AB07

581. STUDENT ASSISTANCE GENERAL PROVISIONS -- MISCELLANEOUS AMENDMENTS, SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would amend the provisions related to selective service requirements and make other miscellaneous changes in the student assistance general provisions.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318 - ROB-3, Washington, DC 20202, **202 732-4888**

RIN: 1840–AB19

582. STUDENT ASSISTANCE GENERAL PROVISIONS – IMMIGRATION STATUS CONFIRMATION

Legal Authority: 20 USC 1091 to 1091a; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would establish rules by which an institution shall confirm the immigration status of certain alien applicants for student financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claude E. Denton, Student Verification Branch, Division, Policy and Program Development, Department of Education, Office of Postsecondary Education, (Rm. 4613, ROB-3), 400 Maryland Avenue, SW, Washington, DC 20202, **202 732-5591**

RIN: 1840–AB30

583. PERKINS LOAN PROGRAM, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS--(MISCELLANEOUS CHANGES)

Legal Authority: 20 USC 1070b to 1070b3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These proposed regulations would further implement provisions of the Higher Education Amendments of 1986. The regulations would also establish procedures that would make the Supplemental Educational Opportunity Grant Program consistent with the Pell Grant Program with respect to collection of outstanding overpayments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard O. Coppage, Acting Chief, Policy Section, Campus & State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4018 - ROB-3, Washington, DC 20202, **202 732-4490**

RIN: 1840–AB22

584. ● PERKINS LOAN, COLLEGE WORK STUDY AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Legal Authority: 20 USC 1070b to 1070b3; 20 USC 1087aa to 1087hh; 42 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These final regulations are needed to make technical corrections to the campus based student financial assistance program regulations published on December 1, 1987. This technical amendment gives institutions the authority to capitalize the penalty charges that can be applied to the National Defense/ Direct Student or Perkins Loan borrowers during the six-month period.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard O. Coppage, Acting Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, S.W. Room 4018, ROB-3, Washington, D.C. 20202, **202 732-4490**

RIN: 1840–AB31

585. ● PERKINS LOAN PROGRAM

Legal Authority: 20 USC 1087aa to 1087hh

CFR Citation: 34 CFR 674

Legal Deadline: None

Abstract: This proposed amendment revise the existing regulations in section 674.4 to ensure a more equitable distribution of Federal capital contributions for all schools participating in the Perkins Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard P. Coppage, Acting Chief, Policy Section, Campus and State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. S.W. Room 4018, ROB-3, Washington, D.C. 20202, **202 732-4490**

RIN: 1840–AB33

586. STAFFORD LOAN (GSL)/PLUS/SUPPLEMENTAL LOANS FOR STUDENTS/ CONSOLIDATION LOAN PROGRAMS

Legal Authority: 20 USC 1071 et seq.

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4310 ROB-3), Washington, DC 20202, **202 732-4242**

RIN: 1840–AA96

ED—OPE

Proposed Rule Stage

587. ● PELL GRANT PROGRAM - TECHNICAL REVISIONS

Legal Authority: 20 USC 1070a to 1070a-6

CFR Citation: 34 CFR 690

Legal Deadline: None

Abstract: These regulations would revise several terms in the current regulations and implement a statutory change resulting from the consolidated Omnibus Budget Reconciliation Act of 1985 (PL 99-272).

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave. S.W. Room 4318, ROB-3, Washington, D.C. 20202, **202 732-4888**

RIN: 1840–AB34

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

588. PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM AND GUARANTEED STUDENT LOAN AND PLUS PROGRAMS--TARGETED TEACHER DEFERMENTS

Legal Authority: 20 USC 1071 to 1087-2; 20 USC 1111b

CFR Citation: 34 CFR 653; 34 CFR 682

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 5066
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Md. Ave., S.W. (Rm. 4310 - ROB-3), Washington, DC 20202, **202 732-4242**

RIN: 1840–AB03

589. STUDENT ASSISTANCE GENERAL PROVISIONS AND INSTITUTIONAL ELIGIBILITY--SECRETARY'S ACCOUNTABILITY INITIATIVES

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600; 34 CFR 668

Legal Deadline: None

Abstract: These regulations achieve better accountability in the student financial aid programs. Proposed amendments to Section 668.12 were published in this proposed rule on March 17, 1989; and have been published as separate final regulations on , 54 FR .

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11354
NPRM Comment Period End	05/01/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John DeCleene, Pell Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318, ROB-3, Washington, DC 20202, **202 732-4888**

RIN: 1840–AB18

590. INCOME CONTINGENT LOAN PROGRAM - DUE DILIGENCE

Legal Authority: 20 USC 1087a to 1087e

CFR Citation: 34 CFR 673

Legal Deadline: None

Abstract: These regulations implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45576
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold F. McCullough, ICL Program Specialist, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Md. Ave.,SW, (Rm. 4310, ROB-3), Washington, DC 20202, **202 732-4928**

RIN: 1840–AB04

591. ● GUARANTEED STUDENT LOAN AND PLUS PROGRAMS, DEFAULT REDUCTION INITIATIVE

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations establish several additional procedures that the Secretary uses to implement the Default Reduction Initiative.

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24128
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student, Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W. Room 4310, ROB-3, Washington, D.C. 20202, **202 732-4242**

RIN: 1840–AB32

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Completed Actions

592. INSTITUTIONAL ELIGIBILITY CONVERSION OF CLOCK HOURS

CFR Citation: 34 CFR 600

Completed:

Reason	Date	FR Cite
Withdrawn	07/12/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia G. Re 202 732-4906

RIN: 1840–AA32

593. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

CFR Citation: 34 CFR 654

Completed:

Reason	Date	FR Cite
Final Action	06/20/89	54 FR 26006
Final Action Effective	08/04/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Fred Sellers 202 732-4507

RIN: 1840–AB06

594. STUDENT ASSISTANCE GENERAL PROVISIONS, GUARANTEED STUDENT LOAN/ PLUS/SUPPLEMENTAL LOANS FOR STUDENTS PROGRAMS--DEFAULT REDUCTION

Significance: Regulatory Program

CFR Citation: 34 CFR 668; 34 CFR 682

Completed:

Reason	Date	FR Cite
Final Action	06/05/89	54 FR 24114
Final Action Effective	07/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran 202 732-4242

RIN: 1840–AB21

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Prerule Stage

595. ● THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

Legal Authority: 29 USC 795j to 795q

CFR Citation: 34 CFR 363

Legal Deadline: None

Abstract: These regulations are needed to address grantee implementation problems resulting from non-statutory restrictions in current regulations.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/89	
ANPRM Comment Period End	02/00/90	
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, D.C. 20202-1550, 202 732-1345

RIN: 1820–AA86

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Proposed Rule Stage

596. CHAPTER 1 - STATE OPERATED OR SUPPORTED PROGRAMS FOR HANDICAPPED CHILDREN

Legal Authority: 20 USC 2791 to 2796

CFR Citation: 34 CFR 302

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhonda Weiss, Acting Chief, Programs Administration Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, Room 3613, Switzer Bldg., Washington, DC 20202, 202 732-1376

RIN: 1820–AA83

597. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 701 to 731

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer

ED—OSERS **Proposed Rule Stage**

Building, Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA47

598. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION

Legal Authority: 20 USC 107 et seq; 29 USC 701 et seq

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL CFR CITATION: 34 CFR 395.

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA45

599. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM - DEREGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Daniels, Associate Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, (Rm. 3034, Switzer Building), Washington, DC 20202, 202 732-1437

RIN: 1820–AA37

600. CENTERS FOR INDEPENDENT LIVING - STANDARDS AND EVALUATION INDICATORS

Legal Authority: 20 USC 796e

CFR Citation: 34 CFR 366

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW, Room 3220 - Switzer Bldg., Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA81

DEPARTMENT OF EDUCATION (ED) — Final Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

601. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED -- GRANTS TO STATE EDUCATIONAL AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION

Legal Authority: 20 USC 1432

CFR Citation: 34 CFR 319

Legal Deadline: None

Abstract: These regulations are needed to clarify statutory requirements and to improve the operation of the program.

Timetable:

Action	Date	FR Cite
NPRM	08/22/89	54 FR 34858
NPRM Comment Period End	09/21/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Max W. Mueller, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, (Rm. 3072 - Switzer Bldg.), Washington, DC 20202, 202 732-1154

RIN: 1820–AA85

602. PROJECTS WITH INDUSTRY - COMPLIANCE INDICATORS

Legal Authority: 29 USC 795g

CFR Citation: 34 CFR 379

Legal Deadline: None

Abstract: These regulations implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	53 FR 6808
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW, Room 3220 - Switzer Bldg., Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA82

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Special Education and Rehabilitative Services (OSERS)

603. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

CFR Citation: 34 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	04/27/89	54 FR 18248
Final Action Effective	06/11/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Tyrrell 202 732-1025

RIN: 1820–AA71

604. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH HANDICAPS

CFR Citation: 34 CFR 303

Completed:

Reason	Date	FR Cite
Final Action	06/22/89	54 FR 26306
Final Action Effective	09/04/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas B. Irvin 202 732-1114

RIN: 1820–AA49

605. SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH PROGRAM

CFR Citation: 34 CFR 307

Completed:

Reason	Date	FR Cite
Final Action	04/17/89	54 FR 15308
Final Action Effective	06/09/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Safer 202 732-1109

RIN: 1820–AA53

606. TECHNOLOGY - RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

CFR Citation: 34 CFR 345

Completed:

Reason	Date	FR Cite
Final Action	08/09/89	54 FR 32770
Final Action Effective	09/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland 202 732-1139

RIN: 1820–AA84

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Vocational and Adult Education (OVAE)

607. STATE ADMINISTERED ADULT EDUCATION PROGRAMS AND SECRETARY'S DISCRETIONARY PROGRAMS OF ADULT EDUCATION

CFR Citation: 34 CFR 425; 34 CFR 426; 34 CFR 432; 34 CFR 433; 34 CFR 434; 34 CFR 435; 34 CFR 436; 34 CFR 437; 34 CFR 438; 34 CFR 441

Completed:

Reason	Date	FR Cite
Final Action	08/16/89	54 FR 34408
Final Action Effective	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas L. Johns 202 732-2237

RIN: 1830–AA06

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

608. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None

Abstract: This regulatory action names those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10500
NPRM Comment Period End	06/12/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Leroy Walser, Executive Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, (Room 3059 - FOB-6), Washington, DC 20202, 202 732-3669

RIN: 1860–AA00

DEPARTMENT OF EDUCATION (ED)
Office of the General Counsel (EDOGC)

Proposed Rule Stage

609. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jo-Ann Frey, General Attorney, Office of the General Counsel, Department of Education, Office of the General Counsel, 400 Maryland Ave., SW, Room 4122, Washington, DC 20202, 202 732-2690

RIN: 1801–AA01

[FR Doc. 89-21720 Filed 10-27-89; 8:45 am]
BILLING CODE 4000-01-T

federal register

Monday
October 30, 1989

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Ch. 9

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1989 regulatory agenda.

SUMMARY: In order to make Government more responsive to the citizens of the United States and to assist in fulfilling the President's commitment to lessen regulatory burdens, the Department of Energy (DOE) is publishing this agenda of DOE rulemakings in progress and proposed rulemakings that DOE foreseeably may issue in the next year. This agenda also includes any rules which are being reviewed within the Department to determine whether to propose modifications and rulemakings and rule reviews which have been completed since the last regulatory agenda in April 1989. It also contains information on any rulemakings which are likely to have a significant economic impact on a substantial number of small entities, and it contains additional data on procurement-related actions.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: Theodore Wilson or Peter A. Greenlee, Department of Energy, Room 6A-141, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Covered agencies publish regulatory agendas under Executive Order 12291 in April and October of each year. The Executive order authorizes the Office of Management and Budget (OMB) to set forth standards and procedures for the preparation of these agendas. The October 1989 regulatory agenda has been prepared in accordance with OMB Bulletin No. 89-12.

There are important reasons for preparing this agenda. It is vital to efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. The Department has made considerable progress in these efforts.

Executive Order 12291 provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.* The regulatory flexibility agenda must cover any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities." Its information requirements are similar to those of the Executive order. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice.

The Office of Federal Procurement Policy Act Amendments of 1988, 41 U.S.C. 402, require publication twice a year of a "Procurement Regulatory Activity Report." As determined by OMB, agency information is now in the agenda for use by the Office of Federal Procurement Policy (OFPP) in producing these reports.

Entries appended to this notice reflect the status of activities as of approximately August 15, 1989. They are divided into categories first by DOE subagency and then according to their stage of rulemaking action: prerule, proposed rulemaking, final rulemaking, or completed action.

Appended entries contain the following information: (1) DOE organizational unit responsible for the regulation; (2) RIN number (that is, the Regulation Indentifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, whether the regulation appears in the Regulatory Program prepared annually under Executive Order 12498 and, if it does not, whether it is nevertheless a departmental priority); (5) the name, title, address, and telephone number of a person who is knowledgeable about the regulation; (6) effects on small businesses (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act) and effects on Federal, State, and local governments; (7) CFR citation (that is, portion of the Code of Federal Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (U.S.C.), Public Law (Pub. L.), or Executive Order (E.O.) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statutory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and, generally, the date for at least the next stage of the rulemaking). The timetable for completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding agenda) gives the completion date and the citation, if appropriate.

For each procurement-related regulatory action, additional information is provided in the Additional Information data element (Block A): (1) A statement that the action is procurement-related; (2) an indication of whether or not there is a statutory requirement for the action; and (3) an indication of whether or not there is a paperwork burden associated with the action.

Organizational Note: The previous agenda contained two regulatory actions under the "Economic Regulatory Administration" heading. Functions related to these two actions have been transferred to the Assistant Secretary for Fossil Energy. Accordingly, these two actions now are grouped under the "Departmental and Others" heading, which includes actions of the Assistant Secretary.

A draft of this agenda has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next agenda will be published in April 1990.

Issued in Washington, DC, on September 7, 1989.

Eric J. Fygi,

Acting General Counsel.

DOE

Conservation and Renewable Energy—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
610	Energy Efficiency Standards for Water Heaters, Pool Heaters, Direct Heating Equipment, Mobile Home Furnaces, Kitchen Ranges & Ovens, Room Air Conditioners, Fluorescent Lamp Ballasts, & TVs	1904-AA38

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
611	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
612	Energy Conservation Performance Standards for New Buildings; Subpart B - Voluntary Performance Standards for New Non-Federal Residential Buildings	1904-AA34
613	Energy-Efficiency Standards for Dishwashers, Clothes Washers and Clothes Dryers	1904-AA37
614	Test Procedures for Fluorescent Lamp Ballasts	1904-AA39

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
615	Energy Conservation Performance Standards for New Buildings; Subpart A - Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
616	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
617	Energy Conservation Performance Standards for New Buildings; Subpart C - Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27
618	Energy-Efficiency Standards for Refrigerators and Related Products, and Small Gas Furnaces	1904-AA28
619	Energy-Efficiency Test Procedures for Refrigerator-Freezers and Freezers	1904-AA35
620	Energy Conservation Standards for Water Heaters; Technical Amendments	1904-AA36

Defense Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
621	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Q Access Authorization	1992-AA11

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
622	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste; Amendments	1901-AA18

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
623	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
624	Annotation of Land Records; Uranium Mill Tailing Remedial Action Program	1901-AA12

DOE

Departmental and Others—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
625	Model Federal Policy for Protection of Human Research Subjects	1901-AA13
626	Powerplant and Industrial Fuel Use Act of 1978; Revisions	1901-AA17

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
627	New Administrative Procedures With Respect to Short-Term Imports and Exports of Natural Gas	1901-AA16

Economic Regulatory Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
628	New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07
629	Powerplant and Industrial Fuel Use Act of 1978; Revisions	1903-AA08

Management and Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
630	DOE Contractor Alcohol Free Workplace Program	1991-AA57

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
631	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
632	Department of Energy Property Management Regulations: Management of Motor Equipment	1991-AA28
633	Department of Energy Acquisition Regulation: Miscellaneous Changes on Acquisition of Motor Equipment	1991-AA32
634	Proposed Rule on DOE Contractor Drug Free Workplace Policy	1991-AA39
635	Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors	1991-AA44
636	Department of Energy Acquisition Regulation: Internal Controls Systems	1991-AA50
637	Department of Energy Acquisition Regulation: Price-Anderson Act	1991-AA52
638	Department of Energy Acquisition Regulation: Environmental, Safety, and Health Requirements	1991-AA53
639	Department of Energy Acquisition Regulation; Miscellaneous Amendments - Updates	1991-AA59
640	Department of Energy Acquisition Regulation; Miscellaneous Amendments	1991-AA60

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
641	Revised Policy on Objective Merit Review of Discretionary Financial Assistance Applications	1991-AA41
642	Research Opportunity Announcements	1991-AA42
643	Referral of Debts to IRS for Tax Refund Offset	1991-AA54
644	Uniform Administrative Requirements for Grants and Cooperative Agreements	1991-AA55

DOE

Management and Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
645	Department of Energy Acquisition Regulation; Offeror Representations and Certifications Procedures	1991-AA58
646	Department of Energy Acquisition Regulation; Contract Clauses - Award Fee	1991-AA61

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
647	Department of Energy Acquisition Regulation; Use of Contract Carriers by Cost Reimbursable Contractors	1991-AA37
648	Department of Energy Acquisition Regulation: Miscellaneous Amendments	1991-AA49
649	Financial Assistance Rules; Technical Corrections	1991-AA56

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
650	Amendments to Department of Energy Conduct of Employees Regulations	1990-AA00
651	Patent Waiver Regulation	1990-AA02
652	Foreign Gifts and Decorations	1990-AA04
653	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Revision of Current Procedures	1990-AA13

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
654	Class Patent Waivers	1990-AA07
655	Indemnification of Department of Energy Officials and Employees	1990-AA11
656	Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings	1990-AA12

DEPARTMENT OF ENERGY (DOE)

Prerule Stage

Conservation and Renewable Energy (CE)

610. ● ENERGY EFFICIENCY STANDARDS FOR WATER HEATERS, POOL HEATERS, DIRECT HEATING EQUIPMENT, MOBILE HOME FURNACES, KITCHEN RANGES & OVENS, ROOM AIR CONDITIONERS, FLUORESCENT LAMP BALLASTS, & TVS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Final, Statutory, January 1, 1992.
EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department. This rulemaking will review the

DOE—CE

Prerule Stage

statutory standards for water heaters; pool heaters; kitchen ranges and ovens; room air conditioners; direct heating equipment; mobile home furnaces; and fluorescent lamp ballasts to determine whether those levels need to be amended. In addition, television sets will be examined to determine whether conservation standards are justified.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/90	
ANPRM Comment Period End	03/00/90	
NPRM	01/01/91	
Final Action	01/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: the extant standards in a period from 7/1/94 to 12/31/2006.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Building Equipment Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-9127

RIN: 1904–AA38

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

611. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509; PL 100-615

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: Under the National Energy Conservation Policy Act, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The current rulemaking would update base year prices and energy cost escalation rates based on current average energy cost projections. It would also eliminate the need for Federal Register publication of future annual updates so long as there is no significant change in the method for making average energy cost projections. In addition, the Federal Energy Management Improvement Act requires the Secretary of Energy to establish the discount rate for life cycle costing. The current rulemaking would include the methodology by which the discount rate will be established.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6784

RIN: 1904–AA06

612. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART B - VOLUNTARY PERFORMANCE STANDARDS FOR NEW NON-FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1993.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private residential sector and has promulgated interim mandatory standards for the Federal Government. Subpart B develops voluntary standards for new non-Federal residential buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904–AA34

613. ENERGY-EFFICIENCY STANDARDS FOR DISHWASHERS, CLOTHES WASHERS AND CLOTHES DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory. EPCA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all(cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. EPCA establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE

DOE—CE

Proposed Rule Stage

to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standards for dishwashers, clothes washers and clothes dryers to determine whether those levels need to be amended.

Timetable:

Action	Date	FR Cite
ANPRM	05/18/88	53 FR 17712
ANPRM Comment Period End	07/18/88	53 FR 17712
NPRM	08/09/89	54 FR 32744
NPRM Comment Period End	10/10/89	54 FR 32744
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. The NAECA requires a final determination on these three products by 01/01/90.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9127**

RIN: 1904–AA37

614. ● TEST PROCEDURES FOR FLUORESCENT LAMP BALLASTS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Establishment of test procedures for fluorescent lamp ballasts in accordance with National Appliance Energy Conservation Amendments of 1988 (Pub. L. 100-357).

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Building Equipment Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW., Washington, DC 20585, **202 586-9127**

RIN: 1904–AA39

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Final Rule Stage

615. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A - COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal residential sector and has promulgated interim mandatory standards for the Federal Government. Subpart A develops standards for both Federal and non-Federal commercial buildings and multi-family high rise buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17051
NPRM Comment Period End	08/04/87	
Interim Final Rule	01/30/89	54 FR 4538
Interim Final Rule Effective Date	07/31/89	54 FR 4538
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9445**

RIN: 1904–AA08

616. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department prepared a new NPRM published March 13, 1987. This NPRM proposed a single test procedure to cover gas, oil and electric water heaters as well as heat pump water heaters, and extended the test procedures to cover instantaneous type water heaters. In addition to the A.O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers

granted Bock Corp., Ford Products and Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM Test Procedures for Water Heaters	03/13/87	49 FR 7972
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Under a separate rulemaking (RIN: 1904-AA36), the Secretary will determine whether the test procedure amendment alters the measured water heater efficiency and, if so, will establish corrective technical amendments to the energy conservation standard.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA12

617. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C - MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal residential sector and has promulgated interim mandatory standards for the Federal Government. Subpart C develops mandatory standards for new Federal residential buildings. DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
NPRM Comment Period End	01/16/87	51 FR 222
Interim Final Rule	08/25/88	53 FR 32536
Proposed Modification of Interim Final Rule	08/25/88	53 FR 32547
Interim Final Rule Effective	02/21/89	53 FR 32536
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Analysis: Economic Analysis 08/20/86 (51 FR 29773); Environmental FONSI 08/20/86 (51 FR 29773)

Additional Information: On 08/25/88, the Department proposed to modify the interim final rule in three respects (53 FR 32547). To the computerized building design program (COSTSAFR) would be added: (1) credit for three mass-wall configurations; (2) new energy data on window glazings; and (3) a mathematical process for integrating innovative design options into the analysis.

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-9445

RIN: 1904–AA27

618. ENERGY-EFFICIENCY STANDARDS FOR REFRIGERATORS AND RELATED PRODUCTS, AND SMALL GAS FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory. EPCA requires DOE determinations to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant (cont)

Abstract: The Energy Policy and Conservation Act (EPCA), as amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. EPCA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standard levels for refrigerators, refrigerator-freezers, and freezers to determine whether those levels need to be (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/07/87	52 FR 46367
ANPRM Comment Period End	02/05/88	52 FR 46367
NPRM	12/02/88	53 FR 48798
NPRM Comment Period End	01/31/89	53 FR 48798
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; FONSI Energy Conservation Standards 12/02/88 (53 FR 48826)

Additional Information: ABSTRACT CONT: amended; for small gas furnaces, will set an initial standard within the statutory range; and will determine whether any standard for television sets is warranted.

LEGAL DEADLINE CONT: standards in a period from 7/1/94 to 12/31/2006. Statutory deadlines for this rulemaking: proposal on standards for refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89), the earliest NAECA deadline for a final action.

DOE—CE

Final Rule Stage

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA28

619. ENERGY-EFFICIENCY TEST PROCEDURES FOR REFRIGERATOR-FREEZERS AND FREEZERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: DOE has proposed to amend existing test procedures for refrigerator-freezers and freezers to alleviate the requirement for waivers for units equipped with variable defrost controls. The proposal also addresses refrigerator-freezers equipped with two compressors. The proposed amendments would eliminate the need for the test procedure waivers granted Whirlpool and White Consolidated Industries, Inc., for their variable defrost control refrigerator-freezers.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37416
NPRM Comment Period End	11/25/88	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA35

620. ENERGY CONSERVATION STANDARDS FOR WATER HEATERS; TECHNICAL AMENDMENTS

Legal Authority: 42 USC 6292

CFR Citation: 10 CFR 430.32

Legal Deadline: None

Abstract: This action would be a technical amendment, based on water heater test procedure changes in progress (see 1904 - AA12), of the statutory standard for water heaters contained in the National Appliance Energy Conservation Act of 1987 (NAECA), as amended. This amendment could change the way the standard level is measured, but would not change the level of the minimum energy conservation standard itself. NAECA requires amendment of the applicable standard if the Secretary determines that an amended test procedure will alter the measured efficiency of the standard. This technical amendment of the standard is to be completed concurrently with the rulemaking with respect to the amended test procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1890
NPRM Comment Period End	03/20/89	54 FR 1890
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA36

DEPARTMENT OF ENERGY (DOE)

Defense Programs (DP)

Final Rule Stage

621. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; Q ACCESS AUTHORIZATION

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec 161; 10 CFR 710

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: The protection of certain of the Department's security interests, with the potential, if misused, of causing unacceptable damage to the national security, requires the implementation of a program designed to assure that individuals occupying positions affording access to certain material, facilities, and programs meet the highest standards of reliability. This action would establish a Q(R) access authorization for individuals applying for or currently holding a position identified as a Personnel Security Assurance Program (PSAP) position. The security clearance determination would, through a system of continuous evaluation, identify those individuals whose judgment may be impaired by physical and/or emotional disorders, the use of controlled substances, or the use of alcohol habitually to excess.

Timetable:

Action	Date	FR Cite
NPRM	02/02/89	54 FR 5376
NPRM Comment Period End	03/06/89	
Final Action	10/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Hershkowitz, Chief, Assurance and Analysis Br. (DP-344.3), Personnel Security Assurance Program, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-344.3, Washington, DC 20585, 301 353-5671

RIN: 1992–AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

622. ● STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE; AMENDMENTS

Significance: Agency Priority

Legal Authority: 42 USC 10222

CFR Citation: 10 CFR 961 (Revision)

Legal Deadline: None

Abstract: On April 18, 1983, the Department of Energy (DOE) published a rule which established the Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste (standard disposal contract) to be used by the DOE in furnishing disposal services to the owners or generators of spent nuclear fuel and/or high-level radioactive waste (48 FR 16590). On March 17, 1989, the U.S. Court of Appeals for the District of Columbia (Consolidated Edison Co. et al. v. DOE, No. 88-1194) ruled that the ongoing 1.0 mill per kilowatt hour (1M/KWH) fee in DOE's standard disposal contract should be based on nuclear electricity actually sold rather than net generation of electricity as adopted in the amended final rule of September 17, 1987 (52 FR 35356). This notice publishes for comment amendments to Article I.13, Article VIII.A.1 and B.1, and Appendix G of the standard disposal contract to be consistent with the court's ruling. This amendment is expected to reduce revenues from the ongoing fee about 6 to 8 percent.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alan Brownstein, Utility Contracts Manager, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste Mgmt., 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-8369**

RIN: 1901-AA18

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

623. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre- and post-award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23219
NPRM Comment Period End	06/30/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division (ER-64), Department of Energy, Departmental and Others, (ER64) Office of Energy Research, Washington, DC 20545, **301 353-5544**

RIN: 1901-AA07

624. ANNOTATION OF LAND RECORDS; URANIUM MILL TAILING REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. The Department will begin rulemaking proceedings during FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29732
NPRM Comment Period End	08/28/89	54 FR 29732
Final Action	02/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sally A. Mann, Dir., Div. of Uranium Mill Tailings Projects, Division, NE-22, Department of Energy, Departmental and Others, Office of Nuclear Energy, Washington, DC 20545, **301 353-6436**

RIN: 1901-AA12

625. MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

DOE—ENDEP

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	53 FR 45661
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Susan L. Rose, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division(ER-73), Washington, DC 20545, 301 353-4731

RIN: 1901–AA13

626. POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978; REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 8301 et seq; PL 100-42; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 500; 10 CFR 501; 10 CFR 503; 10 CFR 504

Legal Deadline: None

Abstract: Legislative changes and economic conditions have made it necessary to modify the regulatory language to comport with Congressional intent of the amended Fuel Use Act. Specifically, it is proposed to remove all language that relates to industrial facilities. The fuel price calculations and inflation indices used in the cost test calculations supporting exemptions based on a lack of alternate fuel at a cost that does not substantially exceed the cost of using imported petroleum will be changed. It also is proposed to insert language that will dramatically decrease the evidence that must be presented to qualify for an FUA exemption when a powerplant certifies to the technical and financial feasibility of using an alternate fuel at a future date.

Timetable:

Action	Date	FR Cite
NPRM	01/25/89	54 FR 3726
NPRM Comment Period End	03/20/89	
Final Action	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: This action formerly was identified as RIN 1903-AA03.

Agency Contact: Anthony J. Como, Director, Office of Coal and Electricity, Department of Energy, Departmental and Others, Office of Fossil Energy, 1000 Independence Ave.,SW, Room 3H-087 FE-52, Washington, DC 20585, 202 586-5935

RIN: 1901–AA17

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

627. NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The rule would reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
Withdrawn	08/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This action formerly was identified as RIN 1903-AA07.

Agency Contact: Constance L. Buckley, Deputy Assistant Secretary for Fuels Programs, Department of Energy, Departmental and Others, FE-50, Office of Fossil Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9482

RIN: 1901–AA16

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Completed Actions

628. NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The rule would reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
TRANSFER DEVELOPMENT TO: 1901-AA16		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOE—ERA **Completed Actions**

Agency Contact: Constance L. Buckley, Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9482**

RIN: 1903–AA07

629. POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978; REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 8301 et seq; PL 100-42; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 500; 10 CFR 501; 10 CFR 503; 10 CFR 504

Legal Deadline: None

Abstract: Legislative changes and economic conditions have made it necessary to modify the regulatory language to comport with Congressional intent of the amended Fuel Use Act. Specifically, It is proposed to remove all language that relates to industrial facilities. The fuel price calculations and inflation indices used in the cost test calculations supporting exemptions based on a lack of alternate fuel at a cost that does not substantially exceed the cost of using imported petroleum will be changed. It also is proposed to insert language that will dramatically decrease the evidence that must be presented to qualify for an FUA exemption when a powerplant certifies to the technical and financial feasibility of using an alternate fuel at a future date.

Timetable:

Action	Date	FR Cite
TRANSFER DEVELOPMENT TO: 1901-AA17		

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Anthony J. Como, Director, Coal & Electricity Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Ave., SW, Room GA-093 RG-22, Washington, DC 20585, **202 586-5935**

RIN: 1903–AA08

DEPARTMENT OF ENERGY (DOE) — Prerule Stage
Management and Administration (MA)

630. ⊕ DOE CONTRACTOR ALCOHOL FREE WORKPLACE PROGRAM

Legal Authority: 42 USC 2011 et seq; Atomic Energy Act and Energy Reorganization Act, as amended

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: Will establish comprehensive alcohol abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address alcohol testing requirements, educational and training programs, counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, construction, and servicing DOE facilities. Benefits will be in establishing a reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Juanita E. Smith, Director, Division of Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, MA52, 1000 Independence Avenue, SW., Washington, DC 20585, **202 586-9033**

RIN: 1991–AA57

DEPARTMENT OF ENERGY (DOE) — Proposed Rule Stage
Management and Administration (MA)

631. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	
NPRM Comment Period End	03/01/90	
Final Action	07/01/90	
Final Action Effective	08/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, **202 586-8264**

RIN: 1991–AA23

DOE—MA

Proposed Rule Stage

632. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATIONS: MANAGEMENT OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: Updates the Property Management Regulations regarding management of motor equipment, including motor vehicles, aircraft, and watercraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991–AA28

633. DEPARTMENT OF ENERGY ACQUISITION REGULATION: MISCELLANEOUS CHANGES ON ACQUISITION OF MOTOR EQUIPMENT

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 945

Legal Deadline: None

Abstract: To provide additional policy guidance on the acquisition of personal property in the areas concerning acquisition plans, Government supply sources, consideration for subcontracts, Government property, and updating solicitation provisions and contract clauses. To provide additional and to revise current policy guidance on the acquisition of motor equipment management including motor vehicles and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	
Final Action	03/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991–AA32

634. PROPOSED RULE ON DOE CONTRACTOR DRUG FREE WORKPLACE POLICY

Significance: Agency Priority

Legal Authority: 42 USC 2011 et seq; Atomic Energy Act and Energy Reorganization Act, as amended

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: Will establish comprehensive drug abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities. Benefits will be in establishing reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9033

RIN: 1991–AA39

635. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access in certain circumstances to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies that DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	
NPRM Comment Period End	01/01/90	
Final Action	04/01/90	
Final Action Effective	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8264

RIN: 1991–AA44

636. DEPARTMENT OF ENERGY ACQUISITION REGULATION: INTERNAL CONTROLS SYSTEMS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would amend the Department of Energy Acquisition Regulation to require its Management and Operating Contractors to develop and maintain systems of internal controls to discourage waste, fraud and abuse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8190

RIN: 1991–AA50

637. DEPARTMENT OF ENERGY ACQUISITION REGULATION: PRICE-ANDERSON ACT

Legal Authority: 42 USC 2014

CFR Citation: 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to amend the regulations which implement the Price-Anderson Act. Amendments are necessary to incorporate the revisions included in the Price-Anderson Amendments Act of 1988. These regulations deal only with those aspects of the Price-Anderson legislation incorporated in the agency's acquisition regulations, e.g., contract clauses providing Nuclear Hazards Indemnity.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	
NPRM Comment Period End	12/01/89	
Final Action	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8264

RIN: 1991–AA52

638. DEPARTMENT OF ENERGY ACQUISITION REGULATION: ENVIRONMENTAL, SAFETY, AND HEALTH REQUIREMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation to clarify and emphasize environmental protection, safety and health requirements for contractors.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: P. Devers Weaver, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8250

RIN: 1991–AA53

639. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS - UPDATES

Legal Authority: 42 USC 7254; 42 USC 486(e)

CFR Citation: 48 CFR 901; 48 CFR 904; 48 CFR 909; 48 CFR 915; 48 CFR 917; 48 CFR 922; 48 CFR 933; 48 CFR 942; 48 CFR 943; 48 CFR 952; 48 CFR 970; 48 CFR 971

Legal Deadline: None

Abstract: Miscellaneous Amendments - It is anticipated that these amendments will update references, remove outdated materials, correct editorial errors, add additional interagency agreement coverage, and increase the level for approval of M&O contractor personnel compensation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-421, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8189

RIN: 1991–AA59

640. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 7254; 42 USC 486(c)

CFR Citation: 48 CFR 901; 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: Miscellaneous Amendments - It is anticipated that these amendments will update the regulation at Part 901 (Federal Acquisition Regulatory System) to assure its conformity to the Federal Acquisition Regulation and to update Part 952 (Contract Clauses) and Part 970 (Management and Operating Contracts) to further refine the applicability of certain clauses to management and operating subcontracts.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	
NPRM Comment Period End	01/30/90	
Final Action Effective	04/30/90	

DOE—MA

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-421, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8189

RIN: 1991–AA60

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Final Rule Stage

641. REVISED POLICY ON OBJECTIVE MERIT REVIEW OF DISCRETIONARY FINANCIAL ASSISTANCE APPLICATIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation establishes standards for program offices to follow in conducting objective merit review of discretionary awards. It addresses problems with inconsistencies among programs and uncertainties about processes within DOE. No costs are apparent. Benefits include consistency and greater public awareness of agency procedures. This regulation also implements OMB-encouraged grants management changes growing out of the Florida Demonstration Project. No costs are apparent. Benefits include less governmental and recipient paperwork and greater recipient efficiency.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10670
NPRM Comment Period End	04/14/89	54 FR 10670
Final Action	10/01/89	
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991–AA41

642. RESEARCH OPPORTUNITY ANNOUNCEMENTS

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 935; 48 CFR 917

Legal Deadline: None

Abstract: The purpose of this action is to amend the Acquisition Regulations (DEAR) to implement policies and procedures concerning the use of broad agency announcements, a form of competitive solicitation, as allowed by FAR 35.016.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29757
NPRM Comment Period End	09/12/89	
Final Action	02/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA 421, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8246

RIN: 1991–AA42

643. REFERRAL OF DEBTS TO IRS FOR TAX REFUND OFFSET

Legal Authority: 31 USC 3720A; PL 98-369

CFR Citation: 10 CFR 1018

Legal Deadline: None

Abstract: This rule establishes regulations under which the Department of Energy will refer past due legally enforceable debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of persons owing debts to the Department. The agreement with IRS requires DOE to promulgate regulations governing DOE operation of the Federal Tax Refund Offset Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/89	54 FR 772
Interim final rule comment period end	02/08/89	54 FR 772
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Will not issue final rule until Treasury issues its rule. 26 CFR Part 301, Reduction of Tax Overpayments by Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency.

Agency Contact: Robert M. Myers, Staff Accountant, Department of Energy, Management and Administration, 1000 Independence Avenue, SW. (MA-31), Washington, DC 20585, 202 586-4860

RIN: 1991–AA54

644. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: Regulation is part of governmentwide common rule making changes to A-110 and merging into the common rule growing out of A-102. A-110 is a Federal directive. Another alternative may be to separate A-110 from A-102 or to update and maintain Circular A-110. Under auspices of OMB, all agencies published NPRM's on 11/04/88.

DOE--MA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44724
NPRM Comment Period End	01/03/89	53 FR 44716
Final Action	05/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991–AA55

645. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION; OFFEROR REPRESENTATIONS AND CERTIFICATIONS PROCEDURES

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 914; 48 CFR 915; 48 CFR 952

Legal Deadline: None

Abstract: The purpose of this action is to amend the Department of Energy Acquisition Regulation (DEAR) by revising current policies on the collection of offeror-representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30569
NPRM Comment Period End	08/21/89	54 FR 30569
Final Action	02/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA-421, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8246

RIN: 1991–AA58

646. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION; CONTRACT CLAUSES - AWARD FEE

Legal Authority: 42 USC 2201; 42 USC 7254

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: Amends the Department of Energy Acquisition Regulation to provide a mandatory contract clause for the Department's management and operating (M&O) contracts awarded on an award fee basis. The clause provides that a fee determination official may withhold all award fees if a contractor's performance is unacceptable in any important area. The clause requires contractors to provide self-evaluations which will be used by agency personnel in their appraisal of contractor management.

Timetable:

Action	Date	FR Cite
NPRM	07/19/89	54 FR 30230
NPRM Comment Period End	08/18/89	
Final Action	02/00/90	
Final Action Effective	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Charles A. Dan, Procurement Analyst, Department of Energy, Management and Administration, MA-421, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8247

RIN: 1991–AA61

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

647. DEPARTMENT OF ENERGY ACQUISITION REGULATION; USE OF CONTRACT CARRIERS BY COST REIMBURSABLE CONTRACTORS

Legal Authority: PL 95-91

CFR Citation: 48 CFR 952

Legal Deadline: None

Abstract: Amend Procurement Regulations (DEAR) in order to implement GSA Bulletin FPMR A-90 and FPMR Temporary Regulation 30. Use of Government contractor airlines, hotels/motels and car rental agencies by cost reimbursable contractor employees.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46884
NPRM Comment Period End	01/28/87	51 FR 46884
Final Action	04/25/89	54 FR 11734
Final Action Effective	04/25/89	54 FR 11734

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gwendolyn Cowan, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8189

RIN: 1991–AA37

648. DEPARTMENT OF ENERGY ACQUISITION REGULATION: MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 901; 48 CFR 904; 48 CFR 906; 48 CFR 908; 48 CFR 913; 48 CFR 916; 48 CFR 935; 48 CFR 942; 48 CFR 945; 48 CFR 970

Legal Deadline: None

Abstract: This amendment would revise the Acquisition Regulation (DEAR) by

clarifying and updating certain policy and procedural requirements such as approval authorities for particular actions, addresses for certain submissions, and changes in property recordkeeping requirements, etc.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1735
NPRM Comment Period End	03/03/89	
Final Action	06/30/89	54 FR 27645
Final Action Effective	07/31/89	54 FR 27645

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Cherlyn D. Seckinger, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991–AA49

649. FINANCIAL ASSISTANCE RULES; TECHNICAL CORRECTIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation contains technical nonsubstantive corrections to the Financial Assistance Rules to eliminate typographical errors and repetition. No costs apparent.

Timetable:

Action	Date	FR Cite
NPRM	02/09/89	54 FR 6296
NPRM Comment Period End	03/13/89	
Final Action	06/05/89	54 FR 23958
Final Action Effective	07/05/89	54 FR 23958

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Division of Business and Financial Policy, Department of Energy, Management and Administration, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8174

RIN: 1991–AA56

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

650. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES REGULATIONS

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Appendix I of the Regulations, regarding employee financial disclosure requirements, was published as a Final Rule in April 1988.

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990–AA00

651. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6 (1984)

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990–AA02

652. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

DOE—OGC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Deputy Assistant General Counsel, for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-1522

RIN: 1990–AA04

653. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; REVISION OF CURRENT PROCEDURES

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: Revision and amendment of the current administrative procedure is necessary to streamline and shorten the process for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with DOE contractors, agents, and access permittees of the DOE, individuals who are DOE employees or applicants for DOE employment, and other persons designated by the Secretary of DOE for access to Restricted Data or significant quantities of special nuclear material, or for access to national security information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William A. Crane, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, GC-40; Room 6A-197, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-5246

RIN: 1990–AA13

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

654. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44602
NPRM Comment Period End	01/09/89	53 FR 44602
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990–AA07

655. INDEMNIFICATION OF DEPARTMENT OF ENERGY OFFICIALS AND EMPLOYEES

Legal Authority: 42 USC 7131; 42 USC 7231; 42 USC 7254; 28 CFR 50.15 (a)(7)(iii)

CFR Citation: 10 CFR 1012

Legal Deadline: None

Abstract: The Department of Energy does not have a policy for indemnifying its employees who are sued personally and suffer an adverse judgment as a result of conduct taken within the scope of employment. Lawsuits against Federal employees in their personal capacity can constitute a major impediment to the effective conduct of the public's business, since employees faced with the potential of being held personally liable may be inhibited in discharging their duties. To deal with this problem, the Department proposes to establish a policy permitting, but not requiring, the indemnification of an employee who suffers an adverse verdict, judgment, or other monetary award when the actions giving rise to liability were within the scope of his employment and indemnification is in the interest of the Government. This policy would be modeled on a similar policy already adopted by the Department of Justice for its employees.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacob D. Vreeland, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW., GC-22, Washington, DC 20585, 202 586-8709

RIN: 1990–AA11

656. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS

Legal Authority: 42 USC 7254; 5 USC 301; 28 CFR 1621

CFR Citation: 10 CFR 202

Legal Deadline: None

Abstract: The intent of this regulation is to establish an agency-wide procedure for processing and responding to subpoenas or requests for Department of Energy records or testimony by Department of Energy officers and employees. A regulation intended to fulfill this purpose currently

exists. However, relocating its position in the Code of Federal Regulations and some minor language changes would clarify its applicability. In addition, efficient application of the regulation will be promoted by more closely modeling it on the comparable Department of Justice regulation, since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since clarification and recodification of the existing regulation may avoid needless litigation.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Robin A. Henderson, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW. GC-22, Washington, DC 20585, 202 586-8700

RIN: 1990–AA12

[FR Doc. 89-22481 Filed 10-27-89; 8:45 am]
BILLING CODE 6450-01-T

federal register

Monday
October 30, 1989

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Office of the Secretary, HHS.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 24, 1989.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Charlotte E. Lewis, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201, Telephone: (202) 245-6824.

W. Keith Lively,

Acting Executive Secretary to the Department.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
657	Revisions to "Quality of Care" Exclusion and Payment Denial Regulations	0991-AA61

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
658	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
659	Civil Money Penalties and Sanctions for HMOs and Competitive Medical Plans	0991-AA44
660	Prohibition on Use of Physician Incentive Plans	0991-AA45
661	New Civil Money Penalties and Exclusions Authorities Resulting from OBRA 1986 and OBRA 1987	0991-AA46
662	Amendments to OIG Exclusion and CMP Authorities Resulting from PL 100-93	0991-AA47
663	PRO Rural Practitioners Amendments	0991-AA51
664	Civil Money Penalties and Sanction Authorities Relating to the Medicare Catastrophic Coverage Provisions	0991-AA52
665	Civil Money Penalties for Violations Relating to Medical Supplemental Policies	0991-AA53
666	Civil Money Penalties for Misuse of Departmental Symbols or Emblems	0991-AA54
667	Block Grant Programs	0991-AA55
668	Contract Audit Policy	0991-AA59
669	Revisions to the PRO Sanctions Notification Process	0991-AA60
670	Administrative Improvements, Reporting Requirements and Other Technical Changes for State Medicaid Fraud Control Units	0991-AA62

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
671	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
672	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
673	Audits of Non-governmental Grantees	0991-AA29
674	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37
675	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40
676	OIG Anti-Kickback Provisions	0991-AA49
677	Uniform Administrative Requirements for Grants and Cooperative Agreements	0991-AA56
678	Standardization and Uniform Application of CMP Procedures	0991-AA57

HHS

Office of the Secretary—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
679	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	0991-AA63

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
680	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02
681	Testimony by Employees and the Production of Documents in Proceedings Where the United States is not a Party	0990-AA03

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
682	Foster Care, Adoption Assistance, and Child Welfare Services	0980-AA08
683	Head Start Criteria for Selection of New Grantees	0980-AA17
684	Head Start Appeals Process	0980-AA20
685	Head Start Recruitment Selection and Enrollment of Children	0980-AA27
686	Head Start: Limits on Costs of Development and Administration	0980-AA32
687	Head Start Performance Standards for Infants, Toddlers, and Pregnant Women	0980-AA33
688	Adoption and Foster Care Information	0980-AA35
689	Social Services Block Grant Information Collection	0980-AA42

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
690	Runaway and Homeless Youth Program	0980-AA11
691	Head Start Staff and Program Options Requirements	0980-AA18
692	Head Start Performance Standards for Services to Handicapped Children	0980-AA21
693	Developmental Disabilities Program	0980-AA36
694	Child Abuse and Neglect: Technical Amendments	0980-AA40

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
695	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
696	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
697	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
698	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
699	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
700	Disclosure of Information for Law Enforcement Purposes	0960-AB66
701	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73

HHS

Social Security Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
702	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
703	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
704	Old-Age, Survivors, and Disability Insurance Program; Evaluation Criteria for Immune System Disorders, Including HIV Infection (Acquired Immunodeficiency Syndrome (AIDS)/AIDS-Related Complex)	0960-AC06
705	Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
706	Supplemental Security Income Program; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work	0960-AC22
707	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
708	Old-Age, Survivors and Disability Insurance Program and Organization and Functions; Correction of Earnings Records	0960-AC30
709	Supplemental Security Income Program; Parent-to-Child Deeming	0960-AC38
710	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests	0960-AC41
711	Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses	0960-AC42
712	Supplemental Security Income Program; Exclusion from Countable Resources of the Value of Promissory Notes in Home Replacement Situations	0960-AC43
713	Old-Age, Survivors, and Disability Insurance Program; Extension of Social Security Coverage to Certain Workers; Medicare Only Coverage of Certain State and Local Government Employees	0960-AC45
714	Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees	0960-AC46
715	Supplemental Security Income Program; Modification of Interim Assistance Reimbursement Program	0960-AC51
716	Supplemental Security Income Program; Exclusion from Income of Payments Received For and Used to Pay Last Illness and Death	0960-AC52
717	Supplemental Security Income Program; Continuation of Full Benefit Standard for Persons Temporarily Institutionalized	0960-AC55
718	Old-Age, Survivors, and Disability Insurance Program; Revision of Contributions for Support Rules	0960-AC57
719	Old-Age, Survivors, and Disability Insurance Program; Supplemental Earnings Reports	0960-AC58
720	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Representation of Parties - Suspension and Disqualification of Representatives	0960-AC59
721	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Determination of Disability - Determining State Agency Substantial Failure	0960-AC60
722	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Factors Regulations Restructuring and Clarification	0960-AC61
723	Supplemental Security Income Program; Resources and Exclusions; Definition of Resources	0960-AC66
724	Old-Age, Survivors, and Disability Insurance Program, and Organization and Procedures; Requirement of Social Security Number as a Condition for Receipt of Benefits	0960-AC67
725	Old-Age, Survivors, and Disability Insurance Program; Suspension of Benefits of Deported Nazis; Exemption from Social Security Taxation Because of Religious Beliefs	0960-AC68
726	Old-Age, Survivors, and Disability Insurance Program; Medical Criteria for Evaluating Mental Disorders for Adults	0960-AC74
727	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Interim Disability Benefits	0960-AC76
728	Supplemental Security Income Program; Redeterminations of Supplemental Security Income Eligibility	0960-AC77

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
729	Supplemental Security Income Program; Suspensions, Terminations, and Advance Notice of Adverse Determinations	0960-AA22
730	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
731	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
732	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AB05
733	Supplemental Security Income Program and Medicaid Assistance; What Is Not Income	0960-AB09
734	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence	0960-AB22

HHS

Social Security Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
735	Supplemental Security Income Program; How We Count Unearned Income--Funds Used to Pay Indebtedness	0960-AB29
736	Old Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance and Other Changes	0960-AB36
737	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
738	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
739	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
740	OASDI & SSI Programs; Overpayment and Liability for Repayment of an Overpayment	0960-AB78
741	Old-Age, Survivors, and Disability Insurance; Black Lung; and Supplemental Security Income Programs; and Organization and Procedures; Application of Circuit Court Law	0960-AB85
742	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
743	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
744	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
745	Old-Age, Survivors, and Disability Insurance Program; Employment, Wages, Self-Employment, and Self-Employment Income	0960-AC27
746	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Consideration of Vocational Factors	0960-AC31
747	Organization and Procedures, and OASDI Programs; Evidence Required for Original or Duplicate Social Security Number Card	0960-AC32
748	Organization and Procedures, and Old-Age, Survivors, and Disability Insurance Programs; Social Security Number Cards for Aliens	0960-AC34
749	Old-Age, Survivors, and Disability Insurance Program; Addition of Down Syndrome to the Listing of Impairments	0960-AC35
750	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations	0960-AC40
751	Supplemental Security Income Program; Exclusion of Real Property When It Cannot Be Sold; and Transfer of Assets for Less Than Fair Market Value	0960-AC47
752	Supplemental Security Income Program; Exclusion From Resources of Funds Set Aside for Burial and Burial Spaces	0960-AC48
753	Supplemental Security Income Program; Increase in Emergency Advance Payments	0960-AC50
754	Old-Age, Survivors, and Disability Insurance Program; Social Security Numbers for Newborn Children	0960-AC56
755	Old-Age, Survivors and Disability Insurance; Continued Payment of Benefits During Appeal	0960-AC62
756	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Increase in Substantial Gainful Activity and Trial Work Period Monthly Amounts	0960-AC64
757	Supplemental Security Income Program; Exclusion of Certain Housing Assistance Payments from Income and Resources	0960-AC65
758	Old-Age, Survivors, and Disability Insurance Program; Changes in the Annual Earnings Test	0960-AC69
759	Old-Age, Survivors, and Disability Insurance Program; Effect of Pensions from Noncovered Employment	0960-AC70
760	Old-Age, Survivors, and Disability Insurance Program; Rules Governing Social Security Coverage of Federal Employment	0960-AC71
761	Old-Age, Survivors, and Disability Insurance Program; Spouse's Benefits--Substitution of Certificate of Election for Application to Establish Entitlement for Certain Widow's/Widower's Benefits	0960-AC72
762	Old-Age, Survivors, and Disability Insurance Program; Entitlement of a Surviving Divorced Spouse After Remarriage	0960-AC73
763	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness: Categories of Impairments; AIDS Extension Date	0960-AC75

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
764	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Past Work Experience and Adjustment to Other Work	0960-AC39
765	Supplemental Security Income Program; Exemption of Certain Assistance Payments from Retrospective Monthly Accounting	0960-AC49
766	Supplemental Security Income Program; Public Emergency Shelters for the Homeless, Exclusion of Underpayments, Increase in Personal Needs Allowance	0960-AC54

HHS

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
767	Waivers to Requirement That States Spend at Least a Certain Portion of State Block Grant Funds for New Mental Health Services and Programs	0905-AC99

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
768	NIOSH Revision of Tests and Requirements for Certification of Respiratory Protective Devices	0905-AB58
769	Interstate Shipment of Biological Material that Contains or May Contain an Etiologic Agent	0905-AC89

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
770	Subchapter J - National Vaccine Program, Part 110 Information and Education, Subpart A - Vaccine Information Materials	0905-AC83
771	Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities	0905-AC84

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
772	Drug Exports	0905-AC44
773	Computer Products; Policy Guidance	0905-AC72
774	Food Labeling Review	0905-AD08

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
775	Over-the-Counter (OTC) Drug Review	0905-AA06
776	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
777	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
778	New Animal Drug Approval Process	0905-AA96
779	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
780	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
781	Abbreviated New Drug Application Regulations (Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984")	0905-AB63
782	Look-back Requirements for Blood Recipients Who are at Increased Risk of HIV Infection	0905-AC90

HHS

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
783	Policies Concerning Uses of Sulfiting Agents	0905-AB52
784	Provisionally Listed Color Additives	0905-AB60
785	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
786	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
787	Infant Formula Act	0905-AC46
788	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48
789	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52
790	Labeling for Menstrual Tampons; Ranges of Absorbency	0905-AC54
791	Action Levels for Added Poisonous or Deleterious Substances in Food (Including Animal Feed)	0905-AC73
792	Prescription Drug Marketing Act of 1987; Implementation	0905-AC81
793	Lead from Ceramic Pitchers	0905-AC91
794	Proficiency Testing Requirements for Laboratories Testing Blood and Blood Components by the FDA-Required Tests for HBsAg and Anti-HIV	0905-AC92
795	Methadone in Maintenance Treatment of Narcotic Addicts; Joint FDA and NIDA Proposed Revision of Conditions of Use	0905-AC93
796	Expediting Approval for Drugs Intended to Treat Life-Threatening and Severely-Debilitating Illnesses	0905-AC94

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
797	Methylene Chloride	0905-AC00

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
798	Area Health Education Center Program	0905-AC67
799	Designation of Mental Health Manpower Shortage Areas	0905-AC68
800	Health Education Assistance Loan (HEAL) Program: Bankruptcy Revisions	0905-AC75
801	Nursing Student Loan (NSL) Program: Cash Management	0905-AC76
802	Health Professions Student Loan (HPSL) Program: Cash Management	0905-AC78
803	Grants for Community Health Centers	0905-AC85
804	Grants for Migrant Health Services	0905-AC86
805	Health Education Assistance Loan (HEAL) Program: Performance Standards	0905-AC87
806	National Data Bank for Adverse Information on Health Care Practitioners and Providers (section 5 amendments)	0905-AC88
807	Grants for Educational Assistance to Individuals from Disadvantaged Backgrounds	0905-AD01
808	Grants for Nursing Special Projects	0905-AD02

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
809	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129 (Allied Health)	0905-AC28
810	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
811	Nursing Post-Baccalaureate Faculty Fellowships Program	0905-AC34
812	National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners	0905-AC51
813	National Health Service Corps Loan Repayment Program; Grants For State Loan Repayment Programs and Special Repayment Program	0905-AC65
814	Grants for Faculty Training Projects in Geriatric Medicine and Dentistry	0905-AC71
815	Grants for Residency Training and Faculty Development in General Internal Medicine and General Pediatrics	0905-AD03
816	Grants for Predoctoral, Graduate, and Faculty Development Education in Family Medicine	0905-AD04

HHS

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
817	Health Education Assistance Loan (HEAL) Program: Implementation of Public Law 100-607	0905-AD05
818	Nursing Student Loan (NSL) Program: Implementation of Public Law 100-607	0905-AD06
819	Health Professions Student Loan (HPSL) Program: Implementation of Public Law 100-607	0905-AD07

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
820	Grants for Centers for Excellence	0905-AC77

Public Health Service—Indian Health Service (IHS)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
821	Indian Health Catastrophic Health Emergency Fund Program	0905-AC97
822	Revision of Indian Self-Determination Regulations	0905-AC98

Public Health Service—Indian Health Service (IHS)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
823	Indian Health Service Loan Repayment Program Regulations	0905-AC96
824	Contract Health Services	0905-AD00
825	Preference in Employment	0905-AD09

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
826	Changes in NIH Program Regulations Due to PL 99-158, PL 99-499 and Title X of PL 99-660	0905-AC02
827	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27
828	Volunteer Services at the National Institutes of Health	0905-AC95

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
829	National Library of Medicine Programs; Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66

HHS

Public Health Service—National Institutes of Health (NIH)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
830	Misconduct in Science	0905-AB91

Health Care Financing Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
831	Limitation on Out-of-Pocket Cost-Sharing Expenses for Covered Medicare Part B Services	0938-AE13

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
832	Administrative Appeals Process for Provider Payment Disputes Including Amending Cost Reports & Reopening Intermediary Payment Determinations & Administrative Review Decisions	0938-AA33
833	Medicaid Eligibility and Coverage Requirements	0938-AA58
834	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
835	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
836	Hospice/Case Management	0938-AC52
837	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
838	PRO Review of Surgical Procedures and Requirements for Second Opinions	0938-AC90
839	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
840	Changes Concerning the Definition of Accrual Basis of Accounting	0938-AD01
841	Optional Payment System for Low Medicare Volume Skilled Nursing Facilities	0938-AD02
842	Recognition of Joint Commission on Accreditation of Healthcare Organizations' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
843	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services	0938-AD17
844	Transfer of Assets	0938-AD18
845	Discontinuation of Prevailing Charge Differentials for Specialists	0938-AD26
846	Medicare Coverage of Outpatient Occupational Therapy Services, Vision Care and Services Furnished by Physician Assistants	0938-AD32
847	State Share of Financial Participation	0938-AD36
848	PRO Disclosure to Licensing and Certification Bodies	0938-AD42
849	Revision of the Medicare Economic Index	0938-AD43
850	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1989	0938-AD48
851	Application of the Comparable Services Limitation in Determining Reasonable Charges	0938-AD50
852	Home and Community-Based Services for the Elderly	0938-AD55
853	Revisions to the Freedom of Information Regulations	0938-AD60
854	Charges to Residents' Funds in Nursing Homes	0938-AD66
855	Prohibition of FFP for Educational and Vocational Training for Institutionalized Individuals	0938-AD69
856	Pre-admission Review and Authorization Outpatient Surgery, Pre-admission Diagnostic Testing and Same Day Surgery Under Medicaid	0938-AD70
857	Changes to the Reasonable Cost Regulation Concerning Investment Income	0938-AD72
858	Medicare Secondary Payer for Disabled Active Individuals	0938-AD73
859	Clarification of Durable Medical Equipment Coverage under Medicare	0938-AD77
860	Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Aide Supervision and Discharge Planning	0938-AD78
861	Prepaid Health Care Plans: Beneficiary and Other Related Provisions	0938-AD79
862	Omnibus Nursing Home Reform Requirements	0938-AD81
863	New Minimum Standards for Medicare Supplemental (Medigap) Policies	0938-AD82
864	Payment and Coverage of Psychologists' Services Furnished at Clinics	0938-AD84
865	Fee Schedule for Certified Nurse-Midwife Services	0938-AD85
866	Medicare Coverage of Screening Mammography	0938-AD88
867	Coverage of Home Intravenous Drug Therapy Services	0938-AD89
868	In-Home Care for Chronically Dependent Individuals	0938-AD90
869	Coverage of Outpatient Prescription Drugs	0938-AD91
870	SNF/NF Enforcement of Provisions: Medicare and Medicaid	0938-AD94

HHS

Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
871	Recovery of Overpayments Resulting from Computational Errors	0938-AD95
872	Grace Period and Termination for Non-Payment of Supplementary Medical Insurance (Part B) Premiums for Insured Persons	0938-AD97
873	Payment for Covered Outpatient Drugs	0938-AD99
874	Payment for Home Intravenous Drug Therapy Services	0938-AE00
875	Withdrawal of Coverage of Seat Lift Chairs	0938-AE05
876	Participation Agreements for Pharmacies	0938-AE08
877	Conditions of Participation for Home Intravenous Drug Therapy Providers	0938-AE09
878	Outpatient Prescription Drugs: List of Covered Home IV Drugs	0938-AE10
879	Withdrawal of Coverage of Extracranial-Intracranial Arterial Bypass Surgery for the Treatment or Prevention of Stroke	0938-AE11
880	Protection of Income and Resources for Community Spouse	0938-AE12
881	Criteria and Standards for Evaluating Intermediaries and Carriers	0938-AE15
882	Inspection of Care Reviews	0938-AE17
883	HMO Fiscal Soundness and Group Specific Rating	0938-AE24
884	HMO Organizational Structure and Services	0938-AE25
885	HMO Qualification Determinations	0938-AE26
886	General Performance Standards for Drug Bill Processors Under Contract	0938-AE27
887	Clinical Laboratories - CLIA '88 Requirements	0938-AE28
888	"Confined to the Home" Requirements for Home Health Services	0938-AE34
889	Payment Adjustments for Hospitals That Serve a Disproportionate Number of Low-Income Patients	0938-AE35
890	Medicaid Management Information System (MMIS) Performance Review, Notification Procedures for Changes	0938-AE36
891	Home Health Agencies: Definitions of "Intermittent" and "Part-time" Nursing Care and Home Health Aide Services	0938-AE37
892	Medicaid Payment of Medicare Cost Sharing for Qualified Medicare Beneficiaries	0938-AE38
893	Survey of Home Health Agencies (HHAs) and Alternative Sanctions for HHAs and Providers of Home Intravenous Drug Therapy Services	0938-AE39
894	Hospital Standard for HIV Infectious Blood	0938-AE40
895	Organ Procurement and Transplantation Network Rules and Membership Actions	0938-AE42
896	Coverage of Catastrophic Part B Expenses for Beneficiaries Enrolled in Prepaid Health Care Organizations	0938-AE43
897	Home and Community Based Services Waivers for Drug Dependent or AIDS Infected Children	0938-AE44
898	Collection of Past-Due Amounts Owed by Individuals Who Breached Contracts Under the National Health Service Corps Scholarship Program	0938-AE45
899	Drug Deductible and Respite Care for Prepaid Plan Enrollees	0938-AE46

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
900	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
901	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
902	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
903	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
904	Medicare/Medicaid Revaluation of Assets	0938-AB64
905	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
906	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
907	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
908	Medicare Secondary Payer and Medicare Recovery Against Third Parties	0938-AC05
909	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
910	Changes in Payment Policy for Direct Graduate Medical Education Costs	0938-AC27
911	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
912	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
913	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
914	Payment for Physician's Outpatient Maintenance Dialysis Services and Other Physician Services for ESRD Patients	0938-AC57
915	Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care	0938-AC58
916	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
917	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82
918	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints	0938-AC84

HHS

Health Care Financing Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
919	Changes Concerning Suspension of Medicare Payments, Interest Rates Charged on Overpayments and Underpayments, and Determinations of Allowable Interest Expense	0938-AC99
920	Criteria and Procedures for Making Medical Services Coverage Decisions That Relate to Health Care Technology	0938-AD07
921	Medicare Coverage of Prescription Drugs Used in Immunosuppressive Therapy	0938-AD09
922	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services	0938-AD11
923	Requirements for Long Term Care Facilities	0938-AD12
924	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
925	Eligibility of Aliens for Medicaid	0938-AD15
926	Medicaid: Eligibility Groups, Extended Coverage of Services, and Conditions of Eligibility: OBRA '87, COBRA, and TEFRA	0938-AD16
927	Payment for Services of Certified Registered Nurse Anesthetists	0938-AD25
928	Withdrawal of Coverage of Single Photon Absorptiometry and Radiographic Absorptiometry and Continued Noncoverage of Dual Photon Absorptiometry	0938-AD28
929	Modification of Certain Requirements for Health Insuring Organizations	0938-AD31
930	Prohibition on Unbundling of Hospital Outpatient Services	0938-AD33
931	Physician Liability on Non-Assigned Claims	0938-AD34
932	Changes to Peer Review Organization Regulations	0938-AD38
933	Update of Ambulatory Surgical Center Payment Rate Methodology	0938-AD44
934	Home Health Agencies: Conditions of Participation and Reduction in Recordkeeping Requirements	0938-AD45
935	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1989 Rates	0938-AD49
936	Protocol for the Reuse of Dialysis Bloodlines	0938-AD52
937	Fee Schedules for Radiologist Services	0938-AD62
938	Uniform Relative Value Guide for Anesthesia Services Furnished by Physicians	0938-AD63
939	Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices	0938-AD65
940	Inherent Reasonableness for Home Dialysis Supplies and Equipment	0938-AD74
941	Payment for Outpatient Surgery at Eye Specialty Hospitals and Eye and Ear Specialty Hospitals	0938-AD76
942	Swing-Bed Program Changes	0938-AD83
943	Second Surgical Opinion Requirements for Medicaid Recipients	0938-AD86
944	Conforming Amendments Resulting from the Omnibus Budget Reconciliation Act of 1987	0938-AD92
945	Catastrophic Coverage Conforming Amendments	0938-AD93
946	Diagnosis Codes on Physician Bills	0938-AE06
947	Physician Involvement in Physical Therapy and Speech Pathology Services	0938-AE07
948	MMIS System Performance Review Revisions	0938-AE16
949	Inpatient Hospital Deductible for 1990	0938-AE19
950	Part A Premium for the Uninsured Aged for 1990	0938-AE20
951	Monthly Actuarial Rates and Part B Premium Rates Beginning 1/1/90	0938-AE21
952	SNF Coinsurance Amount for 1990	0938-AE22
953	Update of Ambulatory Surgical Center Payment Rates for July 1, 1989	0938-AE29
954	Demonstration Project To Develop a Uniform Cost Reporting System for Hospitals	0938-AE32
955	Correction and Reduction Plans for Intermediate Care Facilities for the Mentally Retarded	0938-AE41
956	Omnibus Clinical Laboratory Regulation	0938-AE47

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
957	Additions to and Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
958	Periodic Payments for Hospitals and Other Providers	0938-AD71
959	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1990 Rates	0938-AE02
960	Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1989	0938-AE03
961	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning on or After October 1, 1989	0938-AE04
962	Functions of Contractors in the Administration of the Medicare Outpatient Prescription Drug Benefit Beginning January 1, 1991	0938-AE14
963	Part B Catastrophic Limit	0938-AE18
964	Medicare and Medicaid Approved Information Collection Requirements and Federal Medical Assistance Percentage Computation	0938-AE31

HHS

Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
965	Distribution of Child Support Collections	0970-AA18
966	Alien Verification Procedures for AFDC, State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking	0970-AA41
967	Immediate Wage Withholding, Review and Modification of Orders, and Monthly Notice of Support Collections	0970-AA63
968	$50 Disregard, Paternity Establishment and Mandatory Guidelines	0970-AA64
969	Child Support Program; State Plan Requirements	0970-AA66
970	Related AFDC Amendments under the Family Support Act of 1988	0970-AA69
971	Disregard of Bona Fide Loans, Student Assistance/Higher Education Technical Amendments of 1987, Compensation/Civil Liberties Act of 1988, Disaster Relief/Emergency Assistance Amendments of 1988	0970-AA70
972	Amendments to the State Legalization Impact Assistance Grant (SLIAG) Regulation	0970-AA73
973	Revisions to Audit Regulations as a Result of the Child Support Provisions of the Family Support Act of 1988	0970-AA74

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
974	Scope of Payments	0970-AA00
975	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
976	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
977	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
978	Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08
979	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program -- Quality Control System	0970-AA11
980	Child Support Enforcement Audit Regulations	0970-AA17
981	Exclusion of Indian Trust Funds and Alaska Native Claims Settlement Act Distributions	0970-AA47
982	Cooperation to Pursue Third Party Health Coverage	0970-AA49
983	Pre-eligibility Fraud Detection Measures	0970-AA56
984	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0970-AA58
985	Automated Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0970-AA59
986	Services to Post-AFDC and Medicaid only families	0970-AA61
987	Aid To Families With Dependent Children - Job Opportunities and Basic Skills Training Program, Program Participant Employment Protection	0970-AA67
988	Job Opportunity and Basic Skills (JOBS) Training Program	0970-AA68

Family Support Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
989	Retroactive Modification of Child Support Arrearages	0970-AA03
990	Standards for Child Support Enforcement Program Operations	0970-AA16
991	Cooperative Agreements	0970-AA50
992	State Legalization Impact Assistance Grants	0970-AA72
993	Omnibus Budget Reconciliation Act of 1987	0970-AA75

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Prerule Stage

657. REVISIONS TO "QUALITY OF CARE" EXCLUSION AND PAYMENT DENIAL REGULATIONS

Legal Authority: 42 USC 1320a-7(b)(6)(B); 42 USC 1320c-3(a)(2); 42 USC 1320c-5

CFR Citation: 42 CFR 1001; 42 CFR 1004; 42 CFR 466

Legal Deadline: None

Abstract: This rulemaking would revise and consolidate, where feasible, the principal regulations pertaining to "quality of care" exclusions from Medicare and other health care programs. Such exclusions may be based on the furnishing of excessive services, the failure to furnish care that meets professionally recognized standards of medical care, or the failure to properly document medical services. This rulemaking would attempt to make the various OIG regulations relating to such quality of care exclusions consistent with each other, consistent with HCFA's PRO payment denial regulations at 42 FR 466, and consistent with the case law that has been decided in the U.S. Courts of Appeals in recent years.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Proposed Rule Stage

658. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: OMB is considering revisions to Circular A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234) as well as a complete rewrite of A-87. This action should conform to those revisions also.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Office of Grant & Contract Financial Mgmt., Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-0481

RIN: 0991–AA12

659. CIVIL MONEY PENALTIES AND SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-360, Sec 411

CFR Citation: 42 CFR 1003; 42 CFR 417; 42 CFR 434

Legal Deadline: None

Abstract: This proposed rule would provide for CMPs for each violation against any risk-sharing organization that: (1) fails substantially to provide medically necessary items and services that are required under the contract; (2) imposes premiums on enrolled individuals in excess of premiums permitted; (3) acts to expel or refuse, or to re-enroll an individual; (4) misrepresents or falsifies information; (5) engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment; or, (6) fails to provide for prompt payment of claims for services provided to enrollees. In addition, this rule would authorize the Medicare program to suspend enrollment of individuals in, and payment to a risk-sharing organization that (1) denies medically necessary care to a beneficiary or (2) commits marketing abuses or other violations specified in section 1876(i)(6) of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This joint OIG/HCFA proposed rule is being revised as a result of broadened CMP and sanction authorities contained in PL 100-203, in addition to a technical amendment contained in PL 100-360.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA44

660. PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-501, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The effective date for implementing regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans has been delayed to 4/1/90 by P.L. 100-203, Sec 4016. This provision will be addressed through separate rulemaking at a later date.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA45

661. NEW CIVIL MONEY PENALTIES AND EXCLUSIONS AUTHORITIES RESULTING FROM OBRA 1986 AND OBRA 1987

Legal Authority: PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9332; PL 99-501, Sec 9334; PL 99-501, Sec 9338; PL 100-203, Sec 4022; PL 100-203, Sec 4023; PL 100-203, Sec 4039; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4085; PL 100-203, Sec 4118; ...

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule provides for civil money penalties and exclusions for various program violations resulting from OBRA 1986 and OBRA 1987, as amended by the Medicare Catastrophic Coverage Act of 1988. Penalties and sanctions may be imposed against among other things: (1) those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant: (2) non participating physicians billing for actual charges above permitted charges (3) nursing homes: (4) home health care providers: (5) unassigned lab services: (6) DME rental providers: and (7) providers of laboratory tests.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: This proposed rule is being revised as a result of broadened CMP and sanction authorities contained in P.L. 100-203. In addition, various technical amendments to the OBRA 87 provisions contained in P.L. 100-360, the Medicare Catastrophic Coverage Act of 1988, will be incorporated into this proposed rulemaking.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA46

662. AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PL 100-93

Significance: Agency Priority

Legal Authority: PL 100-93; PL 100-360, Sec 411

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003; 42 CFR 1004

Legal Deadline: None

Abstract: These regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions relating to Titles 5, 18, 19, and 20.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA47

663. PRO RURAL PRACTITIONERS AMENDMENTS

Legal Authority: PL 100-203, Sec 4095

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This proposed rule would permit a hearing before an Administrative Law Judge of a provider in a rural health manpower shortage area, or in a county with a population of less than 70,000 before a program exclusion of that provider took place.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington DC 20201, 202 472-5270

RIN: 0991–AA51

664. CIVIL MONEY PENALTIES AND SANCTION AUTHORITIES RELATING TO THE MEDICARE CATASTROPHIC COVERAGE PROVISIONS

Legal Authority: PL 100-360, Sec 202; PL 100-360, Sec 203; PL 100-360, Sec 221

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish various new sanction and civil money penalties resulting from the Medicare Catastrophic Coverage Act of 1988. Among other provisions, these regulations would address CMPs for (1) failure to provide required survey data relating to covered outpatient drugs; (2) a physician's failure to provide appropriate diagnostic codes and information; and (3) the submission of improper claims for home IV drug therapy services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA52

665. CIVIL MONEY PENALTIES FOR VIOLATIONS RELATING TO MEDICAL SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish CMPs in all cases where only criminal penalties previously applied for deceptive selling practices relating to Medicare Supplemental health insurance - or Medigap - policies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA53

666. CIVIL MONEY PENALTIES FOR MISUSE OF DEPARTMENTAL SYMBOLS OR EMBLEMS

Significance: Agency Priority

Legal Authority: PL 100-360, Sec 428(a)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish civil money penalties for the unauthorized use, in advertising or solicitation, of certain words letters, symbols or emblems associated with the Department or its programs in a manner that would convey an impression that an item or service was approved, endorsed or authorized by HHS.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA54

667. BLOCK GRANT PROGRAMS

Legal Authority: PL 100-485; PL 100-607; PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Recent legislation modified technical, administrative and reporting requirements for several of the Department's block grants. This notice would propose regulatory changes to reflect these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	01/01/90	
NPRM Comment Period End	02/01/90	
Final Action	07/01/90	
Final Action Effective	08/01/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Research Evaluation & Special, Analyses, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, S.W., Washington, DC 20201, 202 245-7316

RIN: 0991–AA55

668. CONTRACT AUDIT POLICY

Legal Authority: PL 94-505

CFR Citation: 45 CFR 66 (New)

Legal Deadline: None

Abstract: This proposed rule would require that audit services performed under contract by non-Federal auditors for DHHS be in compliance with the government auditing standards issued by the Comptroller General. The purpose of this rulemaking is to fulfill the responsibility of the OIG to ensure that all audits of programs and operations of the Department meet the government auditing standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA59

669. REVISIONS TO THE PRO SANCTIONS NOTIFICATION PROCESS

Legal Authority: 42 USC 1320c-5(b)(2)

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This rule would provide for an alternative to the method of public notice currently used by the OIG in informing the general public of its decision to sanction a practitioner or

HHS—OS

Proposed Rule Stage

other person under section 1156 of the Social Security Act as a result of a PRO recommendation. The rule would allow each sanctioned physician or other provider an opportunity to elect to inform each of his or her patients of the sanction action rather than having the OIG provide notice to the general public by publishing a notice in a newspaper.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, **202 472-5270**

RIN: 0991–AA60

670. ● ADMINISTRATIVE IMPROVEMENTS, REPORTING REQUIREMENTS AND OTHER TECHNICAL CHANGES FOR STATE MEDICAID FRAUD CONTROL UNITS

Legal Authority: 42 USC 1396b(a)(6); 42 USC 1396b(b)(3); 42 USC 1396b(q)

CFR Citation: 42 CFR 1002

Legal Deadline: None

Abstract: This proposed rule would amend the current regulations governing the operation and funding of Medicare Fraud Control Units by (1) clarifying the full-time employee rule; (2) providing staffing enhancements; (3) notifying units that the OIG may use performance indicators as one measure to evaluate units for recertification; (4) requiring units to refer cases to the OIG; and (5) clarifying Federal Financial Participation for fraud detection activities.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Jay Schaer, Regulations Officer, Office of the Inspector General, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, S.W., Washington, D.C. 20202, **202 472-5270**

RIN: 0991–AA62

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Office of the Secretary (OS)

671. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Interim Final Rule	12/31/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, Room 5036, Cohen Bldg, 330 Independence Ave, SW, Washington, D.C. 20201, **202 245-6671**

RIN: 0991–AA02

672. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 398

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-567, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	44 FR 14582
NPRM	12/21/79	44 FR 75676
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Public Compliance Cost: Yearly Recurring Cost: $6,000

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, **202 245-6700**

RIN: 0991–AA22

673. AUDITS OF NON-GOVERNMENTAL GRANTEES

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None

Abstract: This action will implement OMB Circular A-133 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university and other non-profit recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information: It is expected that OMB which published a draft of its Circular in the Federal Register and obtained public comments will soon issue this Circular. The specific form and nature of our action is dependent upon actions to be taken by OMB. It is possible that A-133 may be implemented as part of the current revision of the A-102/A-110 Common Rule-45 CFR Part 92. If so there may be no need for this action.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-0481

RIN: 0991–AA29

674. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA37

675. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

Legal Authority: PL 99-660, Sec 421(c) and 427(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This final rule establishes civil money penalties against any individual or entity that fails to report information on medical malpractice payments in accordance with the Health Care Quality Improvement Act of 1986, and against any individual who breaches the confidentiality of information reported to the data bank established to collect and disseminate required information in accordance with that Act.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA40

676. OIG ANTI-KICKBACK PROVISIONS

Legal Authority: PL 100-93, Sec 2; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This final rule will specify payment practices which, although potentially capable of inducing referrals of business under Medicare, are not to be considered kickbacks for purposes of criminal or civil remedies.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38794
ANPRM Comment Period End	12/18/87	
NPRM	01/23/89	54 FR 3088
NPRM Comment Period End	03/24/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The review of public comments may warrant the consideration of new "safe harbor" provisions which would require the development and issuance of a new notice of proposed rule- making to address these additional provisions.

Agency Contact: Joel Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA49

677. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 92

Legal Deadline: None

Abstract: Fiscal and Administrative requirements governing grants and cooperative agreements to non-governmental recipients are presently codified in an HHS-specific regulation (45 CFR Part 74). This rule would move

HHS—OS

Final Rule Stage

those requirements (with many changes and additions) to a new rule (45 CFR Part 92) that would be virtually identical to the rules of 26 other federal agencies. The same action would also create a mechanism for applying a new set of liberalized rules to research grants. Since all Federal agencies' grants and cooperative agreements would henceforth be subject to identical rules, there should be administrative benefits for multi-award recipients and better understanding of the terms and conditions of awards.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 23729
ANPRM Comment Period End	08/23/87	
NPRM	11/04/88	53 FR 44715
NPRM Comment Period End	01/03/89	
Final Action	11/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Beverly Cordova, Director, Division of Grants Management and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 513D, HHH Bldg., 200 Independence Avenue, S.W., Washington, DC 20201, 202 245-0377

RIN: 0991–AA56

678. STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

Legal Authority: 42 USC 1302; 42 USC 1320a-7a; 42 USC 1395u(j)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This rulemaking standardizes the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 2020l, 202 472-5270

RIN: 0991–AA57

679. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 29 USC 84.23

CFR Citation: 45 CFR 84.23

Legal Deadline: None

Abstract: Substituting a reference to the Uniform Federal Access Standards (UFAS) for the reference to standards promulgated by the American National Standards Inc., a nongovernmental organization.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9966
NPRM Comment Period End	05/08/89	54 FR 9966

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This amendment to the regulation is being managed by the Department of Justice; it involves 15 Departments and Agencies. The Department of Justice is formulating the text of the final rule, will submit that text to the fifteen Departments and Agencies for clearance, and then arrange publication in the Federal Register. The dates for further action are in the hands of the Department of Justice.

Agency Contact: Frank E.G. Weil, Chief, Policy Branch, Office for Civil Rights, Department of Health and Human Services, Office of the Secretary, 330 Independence Ave., S.W., Washington, D.C. 20201, 202 245-6700

RIN: 0991–AA63

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Departmental Management (HHSDM)

680. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS Cohen Building, 330

HHS—HHSDM

Final Rule Stage

Independence Avenue, SW, Washington, DC 20201, **202 475-0150**

RIN: 0990–AA02

681. TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF DOCUMENTS IN PROCEEDINGS WHERE THE UNITED STATES IS NOT A PARTY

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 45 CFR 2

Legal Deadline: None

Abstract: Part 2 of Title 45, CFR, governs the testifying of HHS employees as part of their official duties in litigation where neither the United States nor other Federal agencies are parties. This rule will amend Part 2 to clarify it and to resolve minor technical problems.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, Wilbur J. Cohen Building, 330 Independence Avenue, SW, Washington, D.C. 20201, **202 475-0150**

RIN: 0990–AA03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of Human Development Services (HDSO)

Proposed Rule Stage

682. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq.

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act. The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/31/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Betty Stewart, Associate Commissioner, Children's Bureau, Admin. for Children, Youth, and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, **202 245-0618**

RIN: 0980–AA08

683. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1302

Legal Deadline: None

Abstract: The current rule applies primarily to the initial section of a grantee. The NPRM will propose changes to better accommodate a wider variety of competitive situations and new criteria to address the selection of new grantees.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	54 FR 39018
NPRM Comment Period End	11/21/89	
Final Action	09/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, **202 245-0569**

RIN: 0980–AA17

684. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1303

Legal Deadline: None

Abstract: The NPRM will propose revisions to current procedures for appeals from Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process and reduce costs.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, **202 245-0569**

RIN: 0980–AA20

685. HEAD START RECRUITMENT SELECTION AND ENROLLMENT OF CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None

Abstract: In this NPRM, the Head Start Bureau will propose amendments to existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O.

HHS—HDSO **Proposed Rule Stage**

Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA27

686. HEAD START: LIMITS ON COSTS OF DEVELOPMENT AND ADMINISTRATION

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: 45 CFR 1301.32 is being amended to provide additional clarification to Head Start programs in meeting the requirement that the costs of developing and administering a Head Start program not exceed 15 percent of total costs.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA32

687. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The NPRM will propose to establish a new Part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA33

688. ADOPTION AND FOSTER CARE INFORMATION

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: NPRM, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph Mottola, Deputy Commissioner, Administration for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0370

RIN: 0980–AA35

689. ● SOCIAL SERVICES BLOCK GRANT INFORMATION COLLECTION

Legal Authority: 42 USC 1397 to 1397e

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: This NPRM will propose procedures and uniform definitions of services for use by States in preparing in their annual reports to the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hartnett, Deputy Director, Office of Policy, Planning and Legislation, Department of Health and Human Services, Office of Human Development Services, 200 Independence Avenue, S.W., Room 312-F, Washington, DC 20201, 202 245-7027

RIN: 0980–AA42

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Final Rule Stage

690. RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 Note

CFR Citation: 45 CFR 1351

Legal Deadline: None

Abstract: These rules will make technical changes in 45 CFR 1351 to incorporate changes made by reauthorization of the Runaway and Homeless Youth Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/15/89	54 FR 20853
Final Action	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: John Pride, Deputy Associate Commissioner, Family and Youth Services Bureau, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0102

RIN: 0980–AA11

691. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None

HHS—HDSO

Final Rule Stage

Abstract: The final rule will amend existing regulations related to program design to specify class size, hours of operation, and program options such as center-based and home-based Head Start services. The final rule will also include, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/06/88	53 FR 49565
NPRM Comment Period End	02/21/89	
Final Action	03/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA18

692. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1308

Legal Deadline: None

Abstract: The final rule will establish a new part 1308 setting forth performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41088
NPRM Comment Period End	01/19/89	53 FR 47235
Final Action	03/30/90	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Clennie Murphy, Deputy Associate Commissioner, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, Room 2050, P.O. Box 1182, Washington, DC 20013, 202 245-0569

RIN: 0980–AA21

693. DEVELOPMENTAL DISABILITIES PROGRAM

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: NPRM, Statutory, April 30, 1988.

Abstract: This final rule will amend current regulations to implement statutory changes made by passage of Public Law 100-146, the Developmental Disabilities Assistance and Bill of Rights Act of 1987. The final rule will establish a peer review process for the University Affiliated Facilities program, and set forth standards to assure that States supplement and do not supplant program resources.

Timetable:

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49332
NPRM Comment Period End	02/06/89	
Final Action	11/30/89	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, Office of Human Development Services, 200 Independence Avenue, S.W., Room 325-D, Washington, DC 20201, 202 245-2890

RIN: 0980–AA36

694. CHILD ABUSE AND NEGLECT: TECHNICAL AMENDMENTS

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: Technical and conforming changes will be made in 45 CFR 1340 to implement statutory changes made by the recent reenactment of the Child Abuse Prevention and Treatment Act.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11246
NPRM Comment Period End	05/16/89	
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Susan Weber, Director, National Center on Child Abuse and Neglect, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0586

RIN: 0980–AA40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

695. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1

Legal Deadline: None

Abstract: Sections 4.00 and 104.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful or age-appropriate activities. Because of the advances in medical technologies and practice in this area we anticipate the need to revise the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AA99

696. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 3.00 and 103.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful or age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB00

697. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 1.00 and 101.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any substantial gainful or age-appropriate activities. We are proposing comprehensive revisions to these sections to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB01

698. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-8471**

RIN: 0960–AB38

699. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1501; 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1577; 20 CFR 416.901; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 404.1523; 20 CFR 416.923

Legal Deadline: None

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination

process. When the combined effect is found to be severe, the person's impairments are evaluated throughout the full sequential evaluation process. We are revising the regulations to explain in greater detail how we consider the combined effect of multiple impairments and what we mean by a severe impairment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 08726
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1759

RIN: 0960–AB39

700. DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1360; 26 USC 6103; 30 USC 923; 42 USC 405(a); 42 USC 1302; 42 USC 1306

CFR Citation: 20 CFR 401.315

Legal Deadline: None

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime, or when relevant to the investigation or prosecution of criminal activity involving a Social Security program or other governmental health or income maintenance program. SSA is considering an amendment to these regulations that would expand the circumstances in which information, other than tax return information, could be disclosed to law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1795

RIN: 0960–AB66

701. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will incorporate into regulations of the Social Security Administration a number of policies relating to the evaluation of a person's work activity that are now in Social Security Rulings published in 1983 and 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1758

RIN: 0960–AB73

702. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L 97-458 enacted January 12, 1983, which provides that Indian judgement funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded from income and resources under the Supplemental Security Income program (2) Pub. L 98-64 enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe and (3) Pub. L 100-241 enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaska native or descendent of an Alaska native from a native corporation. Some savings in program costs may result from these changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1755

RIN: 0960–AB86

703. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe the medical criteria that apply only to the evaluation of mental impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	08/14/89	54 FR 33238
NPRM Comment Period End	10/13/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB96

---

704. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EVALUATION CRITERIA FOR IMMUNE SYSTEM DISORDERS, INCLUDING HIV INFECTION (ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)/AIDS-RELATED COMPLEX)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Sections 10.00 and 110.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe immune system disorders which are severe enough to prevent a person from doing any gainful or age-appropriate activities. We are proposing to add the criteria for evaluation of AIDS to these sections. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 695-1759**

RIN: 0960–AC06

---

705. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Significance: Agency Priority

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404D

Legal Deadline: None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program," "court of law," and "reasonable time," for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC16

---

706. SUPPLEMENTAL SECURITY INCOME PROGRAM: CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

Significance: Agency Priority

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 4

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 416.1403

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC22

---

707. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions. The cost estimate for these provisions is estimated to be $2 million per year in program costs and less than $1 million

and 30 workyears in administrative expenses.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC28

708. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM AND ORGANIZATION AND FUNCTIONS; CORRECTION OF EARNINGS RECORDS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 404.820a; 20 CFR 404.831; 20 CFR 422.125

Legal Deadline: None

Abstract: This proposed regulation would establish rules on the evidence an individual must submit with a request to correct the Secretary's record of earnings and state the conditions under which the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect. This proposed regulation would reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC30

709. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PARENT-TO-CHILD DEEMING

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1382(a); 42 USC 1382c(f)

CFR Citation: 20 CFR 416.1165

Legal Deadline: None

Abstract: Under the current SSI rules, three different formulas are used to calculate the amount of income deemed to an eligible child from his or her ineligible parent(s) when they are living together. The formulas produce different results depending on the type of income (earned versus unearned) and the number of children in the household. This sometimes creates anomalies. The rule would resolve the anomalies by providing that one formula be used regardless of the type of parental income. The formula to be used is the formula now used when the parent(s) has both earned and unearned income.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC38

710. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS

Legal Authority: 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: These proposed regulations would place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency would be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC41

711. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

Significance: Agency Priority

Legal Authority: 42 USC 1102

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: It is our policy that money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These proposed regulations will state that only cash transactions may be considered loans. These proposed regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated since these proposed regulations will codify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC42

712. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM COUNTABLE RESOURCES OF THE VALUE OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1212

Legal Deadline: None

Abstract: We propose to amend the regulations under the Supplemental Security Income program to provide that the current market value of an installment sales contract is excluded as part of an excluded home when certain conditions are met. The costs would be insignificant since the policy is currently in use under our operating instructions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC43

713. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-272, Sec 13205; PL 99-514, Sec 1895; PL 100-647, Sec 8017

CFR Citation: 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

Legal Deadline: None

Abstract: These regulations would reflect recently enacted statutory changes that extend social security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agriculture labor situations; and (3) Work for a spouse or parent. Additionally, the year for reporting corporate directors income has been changed, and Medicare coverage is provided to many previously uncovered State and local government employees. Also, a recently enacted statutory provision (section 8017 of PL 100-647) further revised our coverage provisions relating to agricultural wages.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC45

714. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES

Legal Authority: 42 USC 402(b); 42 USC 402(c); 42 USC 402(e); 42 USC 402(f); 42 USC 402(g); PL 100-203, Sec 9007; PL 100-647, Sec 8014

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: We are proposing to revise our rules on reducing the Social Security spouse's benefits of a person who is also receiving a Government pension based on noncovered employment. The Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) requires that a Federal Government employee who elects to be covered under Social Security after December 31, 1987 must work for at least 60 months after that date in order to avoid the reduction after he or she becomes entitled to Social Security spouse's benefits. That requirement is extended to the foreign service pension system by the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also provides that under certain circumstances the reduction does not apply to any individual who retires before his or her coverage election becomes effective.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC46

715. SUPPLEMENTAL SECURITY INCOME PROGRAM; MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM

Legal Authority: 42 USC 1302; PL 100-203, Sec 9110

CFR Citation: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1906

Legal Deadline: None

Abstract: These proposed rules reflect sec. 9110 of Pub.L. 100-203. They extend Interim Assistance Reimbursement to cases in which assistance is provided by a State while an individual's Supplemental Security Income (SSI) payments are suspended or terminated and then subsequently reinstated. Current regulations provide for reimbursement to a State only for interim assistance payments made while an individual's initial application for SSI is pending. No additional program costs are anticipated since the amount reimbursed to the State is later deducted from the individual's SSI payments.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC51

716. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF PAYMENTS RECEIVED FOR AND USED TO PAY LAST ILLNESS AND DEATH

Legal Authority: PL 100-203, Sec 9120

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1201

Legal Deadline: None

Abstract: The regulation reflects the provisions of section 9120 of Pub. L. 100-203 by providing that payments to an individual (including gifts and inheritances) occasioned by the death of another person are not considered income for supplemental security income purposes to the extent that such payments are expended by such individual for purposes of the deceased person's last illness and burial. Also, the regulations propose a policy change to not consider the same payments as resources for one month following receipt. Any increased costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC52

717. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR PERSONS TEMPORARILY INSTITUTIONALIZED

Significance: Agency Priority

Legal Authority: PL 100-203, Sec 9115; PL 99-643, Sec 3

CFR Citation: 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 410; 20 CFR 412; 20 CFR 640; 20 CFR 1147

Legal Deadline: None

Abstract: These amendments would require continued payment based on the full payment rate to certain persons eligible for SSI payments under Section 1619 or 1611(e) of the Act who enter certain medical and psychiatric institutions. Without these provisions, SSI benefits would be reduced or suspended.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC55

718. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF CONTRIBUTIONS FOR SUPPORT RULES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.366(a)

Legal Deadline: None

Abstract: This proposed rule would change one of the requirements for determining whether an insured person is contributing to the support of a child at a specific time. The requirements that contributions be made regularly and be large enough to meet an important part of a child's living expenses would be replaced by a requirement that consideration be given to the economic circumstances of both the insured person and the child and that recognition also be given to the child's needs. Because of the minimal number of persons who would be affected by these proposed changes any additional program costs would be negligible.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC57

719. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUPPLEMENTAL EARNINGS REPORTS

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.455

Legal Deadline: None

Abstract: We have learned that old-age and survivors' insurance beneficiaries whose estimate of earnings for the current year is more than the exempt amount for that year, but is equal to or less than the prior year's earnings, tend to underestimate or fail to report their work for the next year which results in overpayments. We are proposing an addition to the current regulation which will clarify that our interpretation of Section 203(h)(3) and (h)(4) of the Social Security Act permits SSA to request estimates of earnings for the next taxable year as well as the current taxable year. If a beneficiary does not furnish the requested future year's earnings estimate, we will use the estimate for the current year to determine whether to withhold benefits for the next year. We estimate savings of $3.5 million per year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC58

---

720. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF PARTIES - SUSPENSION AND DISQUALIFICATION OF REPRESENTATIVES

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 1302; 42 USC 1383(d)

CFR Citation: 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1760; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1560; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 20 CFR 416.1599

Legal Deadline: None

Abstract: This proposal amends the regulations to provide that when it appears that a person who represents claimants in dealing with the Social Security Administration (SSA) has violated one of our rules, the SSA's Associate Commissioner for Hearings and Appeals, or his or her designee, will initiate proceedings to suspend or disqualify the representative. Under the existing regulations the Office of Retirement and Survivors Insurance performed this function.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1796**

RIN: 0960–AC59

---

721. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY - DETERMINING STATE AGENCY SUBSTANTIAL FAILURE

Significance: Regulatory Program

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

Legal Deadline: None

Abstract: The proposed rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC60

---

722. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL FACTORS REGULATIONS RESTRUCTURING AND CLARIFICATION

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1550 to 1567; 20 CFR 416.920; 20 CFR 416.945; 20 CFR 416.950 to 967

Legal Deadline: None

Abstract: Based upon adjudicative experience, we are proposing clarifications and a restructuring of the disability vocational evaluation regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC61

---

723. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES AND EXCLUSIONS; DEFINITION OF RESOURCES

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1201

Legal Deadline: None

Abstract: This proposed change would exclude from the definition of resources, in the Supplemental Security Income program, for one calendar month following their receipt, certain cash payments made to an ineligible spouse or parent, to enable that person to provide medical or social services to the eligible individual. Current rules exclude such amounts paid to the eligible individual. This proposal would broaden the exclusion to include certain other individuals whose resources are deemed available to the beneficiary in the household.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC66

724. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM, AND ORGANIZATION AND PROCEDURES; REQUIREMENT OF SOCIAL SECURITY NUMBER AS A CONDITION FOR RECEIPT OF BENEFITS

Legal Authority: 42 USC 405(c)(2)(E); PL 100-647, Sec 8009

CFR Citation: 20 CFR 404.469

Legal Deadline: None

Abstract: This regulation reflects a section of PL 100-647 which requires, as a condition for receipt of Social Security benefits, that a person must either furnish to the Social Security Administration his or her Social Security number or apply for a number.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC67

725. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUSPENSION OF BENEFITS OF DEPORTED NAZIS; EXEMPTION FROM SOCIAL SECURITY TAXATION BECAUSE OF RELIGIOUS BELIEFS

Legal Authority: PL 100-647, Sec 8004; PL 100-647, Sec 8007; 42 USC 402(n)(3); 42 USC 402(v)

CFR Citation: 20 CFR 404.464; 20 CFR 404.1012; 20 CFR 404.1039 (New)

Legal Deadline: None

Abstract: This regulation reflects the provisions of two sections in PL 100-647. The first provision requires Social Security to deny or terminate benefits if the beneficiary is deported (or ordered deported) because of certain actions performed while associated with the Nazi government of Germany or one of its allies. The second provision extends the current law treatment of self-employed workers who may claim an exemption from Social Security coverage if they are members of a religious faith that is opposed to participation in Social Security programs to their employees in cases where both the employee and the employer are members of a qualifying religious faith.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC68

726. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; MEDICAL CRITERIA FOR EVALUATING MENTAL DISORDERS FOR ADULTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1382c

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: These proposed amendments revise the medical evaluation criteria for mental disorders for the Social Security disability programs. No substantial revisions have been made to these criteria since 1985. The proposed revisions reflect advances in medical treatment and in methods of evaluating certain mental impairments and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC74

727. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INTERIM DISABILITY BENEFITS

Legal Authority: 42 USC 423(h); 42 USC 1383(a); PL 100-647, Sec 8001

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These regulations implement a section of PL 100-647 that authorizes interim benefit payments whenever an Administrative Law Judge (ALJ) decides that a claimant is entitled to benefits based on disability or blindness and the Secretary has not issued his final decision within 110 days after the date of the ALJ's determination.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC76

728. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; REDETERMINATIONS OF SUPPLEMENTAL SECURITY INCOME ELIGIBILITY

Legal Authority: 42 USC 1302; 42 USC 1381a; 42 USC 1382; 42 USC 1382(c); 42 USC 1382h(a); 42 USC 1383

CFR Citation: 20 CFR 416.204

Legal Deadline: None

Abstract: We propose to amend our regulations on redeterminations of Supplementary Security Income eligibility. Our current policy does not include in the redetermination period the month of eligibility, the month of application, or the month of the last redetermination or eligibility update. The redeterminations omit these months and, as a result, we do not have an accounting of all living arrangements, income, and resources for the period of eligibility. We propose to change our policy to include in the redetermination period the month of eligibility, month of application, or

month of eligibility update for the first redetermination and the month of the last redetermination for subsequent redeterminations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC77

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Social Security Administration (SSA)

Final Rule Stage

729. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115

CFR Citation: 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. This regulation's original purpose was to make these rules easier to read and understand. However, these rules also reflect the following statutory enactments: (1) section 3 of Pub. L. 99-643, (2) section 4 of Pub. L. 99-643, (3) section 9103 of Pub. L. 100-203, (4) section 9112 of Pub. L. 100-203, and (5) section 9115 of Pub. L. 100-203.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AA22

730. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None

Abstract: The proposed rules would have provided for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discovered an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. We have determined that this proposed change is no longer necessary because improved systems processes since the publication of the NPRM allow us to process most of the errors discovered within the two-year limit on reopening an SSI determination and have relieved the need for an exception to the current two-year reopening limit.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	
Withdrawal Notice	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1769**

RIN: 0960–AA59

731. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404U; 20 CFR 416F

Legal Deadline: None

Abstract: These rules will revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee may be used for other members of the AFDC Unit. We are also providing for direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31886
NPRM Comment Period End	10/21/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1769**

RIN: 0960–AA90

732. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: This change permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB05

733. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 435.725(c); 42 CFR 435.726(c); 42 CFR 435.733(c); 42 CFR 435.735(c); 42 CFR 435.832(c); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The rule changes SSI policy to consider Veterans Administration payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AB09

734. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: None

Abstract: The regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/20/87	52 FR 13014
NPRM Comment Period End	06/19/87	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB22

735. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME--FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	52 FR 34813
NPRM Comment Period End	11/16/87	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1758**

RIN: 0960–AB29

HHS—SSA

Final Rule Stage

736. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE AND OTHER CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404.1601; 20 CFR 416.1001; 20 CFR 404.1602; 20 CFR 416.1002; 20 CFR 404.1615; 20 CFR 416.1015; 20 CFR 404.1620; 20 CFR 416.1020; 20 CFR 404.1632; 20 CFR 416.1023; 20 CFR 404.1626; 20 CFR 416.1026; 20 CFR 404.1627; 20 CFR 416.1027; 20 CFR 404.1633; ...

Legal Deadline: None

Abstract: These regulations for administering the disability determination function make changes to improve the disability determination process by modifying our State agency monitoring and technical and management assistance procedures, administrative standards, and fiscal, audit, and appeals requirements. They also clarify when we will find that a State agency has substantially failed to make disability determinations consistent with the regulations and other written guidelines.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15638
NPRM Comment Period End	06/24/86	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB36

737. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404V; 20 CFR 416V

Legal Deadline: None

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to vocational rehabilitation agencies (VRAs) for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRAs for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than $1 million.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment Period End	12/09/86	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB37

738. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416E

Legal Deadline: None

Abstract: These rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. The 10 percent requirement will apply only to recipients in current payment status. The 10 percent limit will not apply in situations involving conditional disposition of resources agreements, misuse of burial funds, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud, willful misrepresentation, or concealment. The rules, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after (continued)

Timetable:

Action	Date	FR Cite
NPRM	03/28/89	54 FR 12649
NPRM Comment Period End	05/30/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: factual evaluation. Such cases will also be considered initial determinations for which the recipient has appeal rights. Estimated costs are FY 1986 through FY 1989 - program costs of $18 million per year and administrative costs of $.5 million per year.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AB40

739. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404P; 20 CFR 416I

HHS—SSA

Final Rule Stage

Legal Deadline: None

Abstract: These regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35577
NPRM Comment Period End	11/14/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1759**

RIN: 0960–AB41

740. OASDI & SSI PROGRAMS; OVERPAYMENT AND LIABILITY FOR REPAYMENT OF AN OVERPAYMENT

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a

Legal Deadline: None

Abstract: These final rules reflect section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes a Social Security benefit overpayment or a Supplemental Security Income benefit overpayment to a joint account owner in certain cases in which the beneficiary is deceased and payment is made after death. Also, we propose to add technical corrections to the title II regulations

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AB78

741. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AND ORGANIZATION AND PROCEDURES; APPLICATION OF CIRCUIT COURT LAW

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422E; 20 CFR 404J; 20 CFR 410F; 20 CFR 416N

Legal Deadline: None

Abstract: These regulations describe a new type of Social Security ruling (Social Security Acquiescence Ruling or "Acquiescence Ruling"), which is available to the public and implement a new policy explaining the manner in which we will apply decisions of the United States Courts of Appeals that we determine conflict with Social Security Administration policy in adjudicating claims under title II and title XVI of the Social Security Act and title IV, Part B of the Federal Mine Safety and Health Act of 1977. The regulation changes will become effective on the date of publication of final regulations.

Timetable:

Action	Date	FR Cite
Prior Notice of Proposed Rulemaking	01/23/87	52 FR 02557
NPRM	11/18/88	53 FR 46628
NPRM Comment Period End	01/17/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AB85

742. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 421

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486

Legal Deadline: None

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ returns the case to the Appeals Council with a recommended decision, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The regulation will permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council decides to review the decision on its own. The change will permit more timely final decisions, and result in administrative savings of about $1 million per year, due to a reduction in the number of personnel required to review the ALJ decision.It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38466
NPRM Comment Period End	12/15/87	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC07

743. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC13

744. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Legal Authority: 42 USC 1382c; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

Legal Deadline: None

Abstract: This regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4296
NPRM Comment Period End	03/31/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC26

745. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EMPLOYMENT, WAGES, SELF-EMPLOYMENT, AND SELF-EMPLOYMENT INCOME

Legal Authority: PL 98-21; PL 99-514; PL 98-369; PL 100-203; PL 100-647

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1068; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1001; 20 CFR 404.1026; 20 CFR 404.1046; 20 CFR 404.1048; 20 CFR 404.1051; 20 CFR 404.1052; 20 CFR 404.1053; 20 CFR 404.1054; 20 CFR 404.1058; 20 CFR 404.1070; ...

Legal Deadline: None

Abstract: PL 98-21 changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan. Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. PL 98-369 amended the wage exclusion for qualified bond purchase plans. PL 99-514 excluded from coverage payments under a cafeteria plan; amended the law for determining self- employment income when an individual works for a church or church-controlled organization which has elected not to pay Social Security taxes; and amended the law for receiving an exemption from Social Security coverage for members of religious orders, ministers, and Christian Science practitioners. We are adding to the final rule the provisions in sec 9003 of PL 100-203 and sec 8013 of PL 100-647 concerning wage exclusion of group life insurance payments. These regulations merely reflect the above provisions and do not add substantive rules.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24727
NPRM Comment Period End	08/29/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC27

746. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONSIDERATION OF VOCATIONAL FACTORS

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1560; 20 CFR 416.960

Legal Deadline: None

Abstract: These regulations reflect longstanding policies followed by the Social Security Administration in making disability determinations and remove an ambiguity which exists in the present regulations regarding the factors that are considered when it is determined that a claimant is not disabled because he or she is able to do his or her past work. These regulations do not reflect a substantive change in policy and are intended only to clarify what has always been agency policy.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21685
NPRM Comment Period End	08/08/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC31

---

747. ORGANIZATION AND PROCEDURES, AND OASDI PROGRAMS; EVIDENCE REQUIRED FOR ORIGINAL OR DUPLICATE SOCIAL SECURITY NUMBER CARD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: This interim final rule will allow the Social Security Administration to test procedures that will provide an exception to the current requirement that an applicant for a duplicate card must submit corroborative evidence of identity. This will enable us to test procedures that would allow us to conduct much of our business in processing applications for duplicate Social Security number cards by telephone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC32

---

748. ORGANIZATION AND PROCEDURES, AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; SOCIAL SECURITY NUMBER CARDS FOR ALIENS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: This regulation will reflect the role of the Immigration and Naturalization Service in obtaining applications for Social Security numbers from aliens when they apply for temporary legal resident status. Rules on evidence needed to support an application are being updated and revised. The regulation will also reflect the role of the States in obtaining applications for Social Security numbers from welfare claimants and recipients. Savings for the Federal government are estimated to be $5.9 million for FY 1988 and $6.3 million for subsequent years.Virtually all of the savings are derived from the provision to reflect the role of the States in enumeration of welfare recipients.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38302
NPRM Comment Period End	11/29/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC34

---

749. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITION OF DOWN SYNDROME TO THE LISTING OF IMPAIRMENTS

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: We are adding Down Syndrome to the multiple body systems, category of impairments, in Part B of the Listing of Impairments to provide for evaluation of Down Syndrome claims according to the impairment criteria for the major system affected. The Listing of Impairments describes, for each of the major body systems, a level of severity which is considered sufficient to find a person disabled or blind under the disability program. Part B contains additional medical criteria that apply only to the evaluation of impairments of persons under age 18.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37161
NPRM Comment Period End	12/04/87	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC35

---

750. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: We are considering the development of a final rule to provide that we will no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39487
NPRM Comment Period End	12/06/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC40

751. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF REAL PROPERTY WHEN IT CANNOT BE SOLD; AND TRANSFER OF ASSETS FOR LESS THAN FAIR MARKET VALUE

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1246

Legal Deadline: Final, Statutory, April 1, 1988.

Abstract: We have amended regulations under the Supplemental Security Income program to implement sections 9103 and 9104 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) dealing with the disposition and transfer of resources in determining eligibility for SSI benefits. The cost/savings and workyear impact for these regulations have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/88	53 FR 13254
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC47

752. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM RESOURCES OF FUNDS SET ASIDE FOR BURIAL AND BURIAL SPACES

Legal Authority: 42 USC 1302; 42 USC 1382b

CFR Citation: 20 CFR 416.1231

Legal Deadline: None

Abstract: We are amending our regulations to reflect the changes made by section 9105 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) and to make other policy changes concerning the treatment of burial spaces and certain funds set aside for burial expenses in the Supplemental Security Income program.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	53 FR 35830
NPRM Comment Period End	11/14/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8470**

RIN: 0960–AC48

753. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN EMERGENCY ADVANCE PAYMENTS

Legal Authority: 42 USC 1383(a); PL 100-203, Sec 9109

CFR Citation: 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1403

Legal Deadline: None

Abstract: The rules will reflect section 9109 of Pub. L. 100-203. They raise the amount of the emergency advance payment that can be paid to a person presumptively eligible for SSI payments. Because the emergency advance payment is an advance of benefits and later deducted from the benefits due an individual, no increased costs are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8215
NPRM Comment Period End	04/28/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC50

754. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SOCIAL SECURITY NUMBERS FOR NEWBORN CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 422.103

Legal Deadline: None

Abstract: Under the rule, a parent will be able to request a Social Security number in the hospital when he or she provides birth registration information for a newborn child. The State vital statistics office will receive the information and the request from the hospital and electronically transmit this information to the Social Security Administration (SSA). SSA will assign a Social Security number to the child and send a card to the parents. We expect annual savings of $11.4 million. A pilot project in three States has shown this procedure to be efficient and well-received.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6707
NPRM Comment Period End	03/16/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC56

755. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Agency Priority

Legal Authority: PL 100-647, Sec 8006

CFR Citation: 20 CFR 404.1597a

Legal Deadline: None

Abstract: These rules, which implement section 8006 of Pub. L. 100-647, extend the right to elect continuation of disability/blindness benefits and/or Medicare coverage for appeals of medical cessation determinations pending an administrative law judge decision on actions terminating benefits made through December 1989, with

benefits payable through June 1990. (Effective for terminations occurring before January 1, 1990. Note: 53 FR 29011 published August 2, 1988 reflected section 9009 of PL 100-203 which was effective for terminations occurring before January 1, 1989.)

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC62

756. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; INCREASE IN SUBSTANTIAL GAINFUL ACTIVITY AND TRIAL WORK PERIOD MONTHLY AMOUNTS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1383(b); 42 USC 422(c)

CFR Citation: 20 CFR 404.1574; 20 CFR 404.1592; 20 CFR 416.974

Legal Deadline: None

Abstract: These regulations will raise the earnings guidelines we use to determine whether persons with impairments other than blindness are able to do substantial gainful activity for purposes of disability benefits under title II of the Social Security Act (the Act) and Supplemental Security Income benefits under title XVI of the Act. They also raise the amount a person may earn before we consider that the person has performed services for purposes of a trial work period under the Act.

Timetable:

Action	Date	FR Cite
NPRM	07/25/89	54 FR 30907
NPRM Comment Period End	09/25/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC64

757. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF CERTAIN HOUSING ASSISTANCE PAYMENTS FROM INCOME AND RESOURCES

Legal Authority: 42 USC 1302; 42 USC 1382a(b); 42 USC 1382b(a)

CFR Citation: 20 CFR 416.1124; 20 CFR 416.1210; 20 CFR 416.1236; 20 CFR 416.1238; 20 CFR 416K

Legal Deadline: None

Abstract: This final rule reflects section 8103 of PL 100-647 (Technical Corrections Act of 1988). It adds to Subparts K and L of the Supplemental Security Income (SSI) regulations certain housing assistance payments that are excluded from income and resources under the SSI program for purposes of determining eligibility or payment amount under the SSI program. These exclusions (with the exception of section 202(h) of the Housing Act of 1959) are presently listed in the Appendix to Subpart K, entitled "Lists of Types of Income Excluded Under the SSI Program as Provided by Federal Laws Other than the Social Security Act." The statutes under which these payments are excluded are as follows: (a) The United States Housing Act of 1937; (b) The National Housing Act; (c) Section 101 of the Housing and Urban Development Act of 1965; (d) Title V of the Housing Act of 1949; and (e) Section 202(h) of the Housing Act of 1959. No costs or savings are involved.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC65

758. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; CHANGES IN THE ANNUAL EARNINGS TEST

Legal Authority: 42 USC 403(f); PL 100-647, Sec 8002

CFR Citation: 20 CFR 404.430

Legal Deadline: None

Abstract: This regulation reflects a section of PL 100-647 that eliminates the short taxable year in the year of death for purposes of the earnings test and changes the rate for computing excess earnings from 50 percent to 33-1/3 percent for beneficiaries of retirement age.

Timetable:

Action	Date	FR Cite
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC69

759. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EFFECT OF PENSIONS FROM NONCOVERED EMPLOYMENT

Legal Authority: 42 USC 415(a)(7); PL 100-647, Sec 8003; PL 100-647, Sec 8011

CFR Citation: 20 CFR 404.213; 20 CFR 404.241

Legal Deadline: None

Abstract: This regulation reflects sections of PL 100-647 that provide for a modified computation of an individual's Social Security benefit where he or she also receives a pension that is based on noncovered employment. The phase-out provisions of the modified computation are extended to include persons with more than 20, but less than 30, years of coverage and at the same time the percentages for each applicable year are increased. The month used in determining the appropriate pension amount in the modified computation is changed from the first month of concurrent eligibility to the first month the individual is concurrently entitled to both Social Security and the monthly pension.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC70

---

760. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; RULES GOVERNING SOCIAL SECURITY COVERAGE OF FEDERAL EMPLOYMENT

Legal Authority: PL 100-647, Sec 8015; 42 USC 405(p)(1); 42 USC 410(a)(5)

CFR Citation: 20 CFR 404.1018

Legal Deadline: None

Abstract: This regulation reflects a section of PL 100-647 which: (1) clarifies that the Secretary is to determine whether Federal service is covered Social Security employment, (2) clarifies the coverage for Social Security purposes of service under the Foreign Service Pension System, and (3) provides that Federal civilian employees who are once covered by Social Security would retain Social Security coverage in any subsequent Federal service.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC71

---

761. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SPOUSE'S BENEFITS--SUBSTITUTION OF CERTIFICATE OF ELECTION FOR APPLICATION TO ESTABLISH ENTITLEMENT FOR CERTAIN WIDOW'S/WIDOWER'S BENEFITS

Legal Authority: 42 USC 402(e); 42 USC 402(f); PL 100-647, Sec 8010

CFR Citation: 20 CFR 404.335; 20 CFR 404.336

Legal Deadline: None

Abstract: The regulation implements a section of PL 100-647 under which a certificate of election may be used in place of an application by a person eligible for widow's or widower's benefits where the widow or widower was not yet of retirement age, was entitled to either retirement or disability benefits and to spouse's benefits in the month before the month of the insured's death.

Timetable:

Action	Date	FR Cite
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1769**

RIN: 0960–AC72

---

762. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ENTITLEMENT OF A SURVIVING DIVORCED SPOUSE AFTER REMARRIAGE

Legal Authority: 42 USC 402(e); 42 USC 402(f)

CFR Citation: 20 CFR 404.336(e)(4)

Legal Deadline: None

Abstract: This publication will remove from current regulations the requirement that a surviving divorced spouse who has remarried cannot be entitled to Social Security benefits as a widow or widower unless the remarriage occurred after the former spouse died. The regulation reflects the decision of the district court in Pirus v. Bowen, No. CV87-1141-IH (C.D. Cal., Nov. 19, 1987).

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC73

---

763. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS: CATEGORIES OF IMPAIRMENTS; AIDS EXTENSION DATE

Legal Authority: 42 USC 1382c; 42 USC 1383(a)(4)(B)

CFR Citation: 20 CFR 416.934

Legal Deadline: None

Abstract: We are extending the expiration date of the presumptive disability category for acquired immunodeficiency syndrome (AIDS) through December 31, 1991. New treatments for AIDS are now being tested and additional time is needed to evaluate the efficacy of these treatments. Also, significant scientific developments do not appear to be imminent.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC75

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Social Security Administration (SSA)

764. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAST WORK EXPERIENCE AND ADJUSTMENT TO OTHER WORK

CFR Citation: 20 CFR 404.1562; 20 CFR 404.1565; 20 CFR 416.962; 20 CFR 416.965

Completed:

Reason	Date	FR Cite
Being Combined With RIN 0960-AC61	07/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler 301 965-1759

RIN: 0960–AC39

765. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXEMPTION OF CERTAIN ASSISTANCE PAYMENTS FROM RETROSPECTIVE MONTHLY ACCOUNTING

CFR Citation: 20 CFR 416.420

Completed:

Reason	Date	FR Cite
Final Action	08/01/89	54 FR 31657

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow 301 965-1755

RIN: 0960–AC49

766. SUPPLEMENTAL SECURITY INCOME PROGRAM; PUBLIC EMERGENCY SHELTERS FOR THE HOMELESS, EXCLUSION OF UNDERPAYMENTS, INCREASE IN PERSONAL NEEDS ALLOWANCE

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.432; 20 CFR 416.1160; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1233; 20 CFR 416.2095; 20 CFR 416.2096; 20 CFR 416.2097; 20 CFR 416.2098; 20 CFR 416.2099

Completed:

Reason	Date	FR Cite
Interim Final Rule effective No Final Rule Needed	05/04/89	54 FR 23018

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner 301 965-1756

RIN: 0960–AC54

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

767. WAIVERS TO REQUIREMENT THAT STATES SPEND AT LEAST A CERTAIN PORTION OF STATE BLOCK GRANT FUNDS FOR NEW MENTAL HEALTH SERVICES AND PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Section 2027 of Public Law 100-690 amends Section 1916 of the PHS Act to set a floor on the amount States must spend each year beginning in FY 1991 from Alcohol and Drug Abuse and Mental Health Services Block Grant funds for new mental health services and programs. However, the Secretary may grant any State that he determines to be in a financial crisis a waiver lowering that floor by up to a certain amount. The Act requires that such determinations be based on standards published in regulations. Issues to be resolved in regulations include: (a) how to determine when a State is in a financial crisis; (b) what information States must provide to assure that a waiver is needed to avoid disruption to existing and planned high priority services; (c) how to determine the extent of relief to be granted for approved waivers; and (d) imposing requirements that are cost effective.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sandra Garcia, Regulations Officer, Department of Health and Human Services, Public Health Service, Rm. 12C-26, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-4640

RIN: 0905–AC99

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

768. NIOSH REVISION OF TESTS AND REQUIREMENTS FOR CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 842(h); 30 USC 844; 30 USC 957

CFR Citation: 30 CFR 11; 42 CFR 84

Legal Deadline: None

Abstract: The proposed rule addresses three major problems of the current regulation by (1) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR Part 84 was published in the Federal Register on August 27, 1987 (52 FR 32402). In response to the

HHS—PHS—CDC **Proposed Rule Stage**

many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
First Public Hearing	01/20/88	52 FR 37639
Second Public Hearing	01/27/88	52 FR 37639
NPRM Public Comment Period End	03/28/88	53 FR 5595
Second NPRM Published	11/00/89	
Second NPRM Comment Period End	02/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $14,000,000; Yearly Recurring Cost: $14,000,000; Base Year for Dollar Estimates: 1990

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: Yearly recurring cost to public will drop from $14,000,000 to $6,400,000 in year six and all following years.

Agency Contact: Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, MS D37, Atlanta, GA 30333, **404 639-3190**

RIN: 0905–AB58

769. INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN AN ETIOLOGIC AGENT

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 264; 42 USC 271

CFR Citation: 42 CFR 72

Legal Deadline: None

Abstract: The revised regulation will clarify the requirements for packaging and shipping material containing etiologic agents. Some users have had difficulty applying the current regulation, particularly with respect to the definition of material covered. The revised regulation is not expected to have a major impact on the cost of shipping these materials and is expected to result in increased conformance so that those handling such packages will have an even lower probability of exposure to potentially infectious material.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. McVicar, D.V.M., Director, Office of Biosafety, Centers for Disease Control, Department of Health and Human Services, Public Health Service, 1600 Clifton Road NE, Atlanta, GA 30333, **404 639-3883**

RIN: 0905–AC89

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage
Public Health Service (PHS)—Centers for Disease Control (CDC)

770. SUBCHAPTER J - NATIONAL VACCINE PROGRAM, PART 110 INFORMATION AND EDUCATION, SUBPART A - VACCINE INFORMATION MATERIALS

Significance: Agency Priority

Legal Authority: 42 USC 300aa-26; PL 99-660, Sec 311(a)

CFR Citation: 42 CFR 110

Legal Deadline: Final, Statutory, December 22, 1988.

Abstract: This new regulation is required to implement the statutory requirements of Section 2126, Title XXI, Public Health Service Act as amended. The statute requires the Secretary to develop and disseminate vaccine information materials for distribution by health care providers. These materials will be published as an appendix of this regulation. The regulation describes the vaccine information materials and the health care providers' duties to disseminate a copy of the materials to any adult to whom the provider intends to administer vaccine and to the legal representative of any child to whom the provider intends to administer vaccine. The 90-day comment period was extended to 180 days.

Timetable:

Action	Date	FR Cite
NPRM	03/03/89	54 FR 9181
Public Hearing	04/17/89	54 FR 11547
NPRM Comment Period End	08/29/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Walter A. Orenstein, M.D., Director, Division of Immunization, Center for Prevention Services, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333, **404 639-1880**

RIN: 0905–AC83

771. HEALTH ASSESSMENTS AND HEALTH EFFECTS STUDIES OF HAZARDOUS SUBSTANCES RELEASES AND FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 9601 et seq, Sec 9604(i) amended by Sec 110 of SARA; 42 USC 6939a(c)

CFR Citation: 42 CFR 90

Legal Deadline: None

Abstract: This regulation sets forth procedures the Agency for Toxic Substances and Disease Registry (ATSDR) will follow in determining when and how to conduct health assessments and health effects studies at hazardous substances releases and facilities. In addition to CERCLA-authorized health assessments and health effects studies, this regulation also applies to ATSDR health assessment activity under the Resource Conservation and Recovery Act (RCRA) (42 USC 6939a(c)). This proposal also contains provisions pertaining to the establishment of administrative records for ATSDR health assessments and

HHS—PHS—CDC

Final Rule Stage

health effects studies, for tracking costs of these studies for cost recovery purposes, and for safeguarding trade secret and other confidential information.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32259
NPRM Comment Period End	10/24/88	
Final Action	12/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Robert C. Williams, P.E., Director, Division of Health Assessment and Consultation, ATSDR, Department of Health and Human Services, Public Health Service, Chamblee 27, F38, 1600 Clifton Road, Atlanta, GA 30333, **404 639-0610**

RIN: 0905–AC84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

772. DRUG EXPORTS

Significance: Agency Priority

Legal Authority: PL 99-660 Drug Export Amendments Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Drug Export Amendments Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendments Act of 1986. The agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendments, and establish timeframes for the development of those regulations.

Timetable:

Action	Date	FR Cite
Guidance Materials	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wayne Mitchell, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC44

773. COMPUTER PRODUCTS; POLICY GUIDANCE

Significance: Regulatory Program

Legal Authority: 21 USC 321(h)

CFR Citation: 21 CFR 800

Legal Deadline: None

Abstract: As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

Timetable:

Action	Date	FR Cite
Proposed Draft Guideline	09/25/87	52 FR 36104
Final Policy Guidance	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4874**

RIN: 0905–AC72

774. ● FOOD LABELING REVIEW

Significance: Regulatory Program

Legal Authority: 21 USC 201; 21 USC 401; 21 USC 402; 21 USC 403; 21 USC 409; 21 USC 701

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: The agency has issued an advance notice of proposed rulemaking requesting public comment on possible changes in the labeling of food products regulated by FDA. The agency has long required certain labeling, such as ingredients and net weight on packaged foods, and in recent years has bolstered such labeling with requirements for label information about the nutritional quality of foods. Now, FDA believes it is timely to consider revising the food labeling requirements, and has sought public comment on five areas: (1) whether to revise the requirements for nutrition labeling; (2) whether to change the nutrition label format on food packages; (3) whether to revise the

requirements for ingredient labeling; (4) whether to formally define commonly used food descriptions and/or reconsider the use of standards of identity for foods; and (5) how to reasonably permit the use of messages on food labels that link food components to the prevention of disease.

Timetable:

Action	Date	FR Cite
ANPRM	08/08/89	54 FR 32610
ANPRM Comment Period End	01/05/90	54 FR 38806

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: F. Edward Scarbrough, Deputy Director, Office of Nutrition and Food Sciences, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-201), 200 C Street, SW, Washington, DC 20204, 202 245-1561

RIN: 0905–AD08

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Proposed Rule Stage

775. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM (cont)

Timetable:

Acne (Topical) Products
- ANPRM 03/23/82 (47 FR 12430)
- NPRM 01/15/85 (50 FR 2172)
- Final Action 00/00/00

Alcohol (Topical) Products (To be merged w/other rulemkg)
- ANPRM 05/21/82 (47 FR 22324)

Anorectal Products
- ANPRM 05/27/80 (45 FR 35576)
- NPRM 08/15/88 (53 FR 30756)

Antacid Drug Products
- ANPRM 04/05/73 (38 FR 8714)
- NPRM 11/12/73 (38 FR 31260)
- Final Action 06/04/74 (39 FR 9862)
- NPRM (Amendment) (Testing) 03/00/90

Anthelmintic Products
- ANPRM 09/09/80 (45 FR 59541)
- NPRM 08/24/82 (47 FR 37062)
- Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
- ANPRM 04/01/77 (42 FR 17642)
- NPRM 07/09/82 (47 FR 29986)
- Final Action 12/11/87 (52 FR 47312)

Anticaries Products
- ANPRM 03/28/80 (45 FR 20666)
- NPRM 09/30/85 (50 FR 39854)
- NPRM 06/15/88 (53 FR 22430)
- Final Action 00/00/00

Antidiarrheal Products
- ANPRM 03/21/75 (40 FR 12924)
- NPRM 04/30/86 (51 FR 16138)
- Final Action 00/00/00

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)
- ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
- ANPRM 03/21/75 (40 FR 12934)
- NPRM 07/13/79 (44 FR 41064)
- Final Action 04/30/87 (52 FR 15886)

Antiflatulent Drug Products
- NPRM 11/12/73 (38 FR 31260)
- Final Action 06/04/74 (39 FR 19877)
- NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products
- ANPRM 03/23/82 (47 FR 12480)
- NPRM 12/00/89
- NPRM (Amendment) (Diaper Rash) 03/00/90

Antimicrobial Products
- ANPRM 09/13/74 (39 FR 33103)
- NPRM 01/06/78 (43 FR 1210)
- NPRM (Amendment) (Diaper Rash) 03/00/90

Antiperspirant Products
- ANPRM 10/10/78 (43 FR 46694)
- NPRM 08/20/82 (47 FR 36492)
- Final Action 00/00/00

Antiseptic First Aid
- ANPRM 09/13/74 (39 FR 33103)
- NPRM 01/06/78 (43 FR 1210)
- Revised NPRM 01/00/90

Antiseptic Products (Professional Use)
- ANPRM 09/13/74 (39 FR 33103)
- NPRM 01/06/78 (43 FR 1210)
- Revised NPRM 03/00/90

Aphrodisiac Products
- ANPRM 10/01/82 (47 FR 43572)
- NPRM 01/15/85 (50 FR 2168)
- Final Action 07/07/89 (54 FR 28780)

Astringent (Wet Dressings) Prdts (To be merged w/other rulemkg)
- ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
- ANPRM 10/01/82 (47 FR 43566)
- NPRM 02/20/87 (52 FR 5406)
- Final Action 11/00/89

Boil Ointments
- ANPRM 06/29/82 (47 FR 28306)
- NPRM 01/26/88 (53 FR 2198)
- Final Action 00/00/00

Camphorated Oil Drug Products
- ANPRM 09/26/80 (45 FR 63869)
- Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
- ANPRM 02/12/80 (45 FR 9286)
- NPRM 08/24/82 (47 FR 37068)
- Final Action 06/10/83 (48 FR 27004)
- NPRM (Amendment) 08/15/88 (53 FR 30786)
- Final Action (Amendment) 02/28/89 (54 FR 8320)

Corn and Callus Remover Products
- ANPRM 01/05/82 (47 FR 522)
- NPRM 02/20/87 (52 FR 5412)
- Final Action 00/00/00

Cough/Cold (Anticholinergic) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 11/08/85 (50 FR 46582)
Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
NPRM (Amendment) 08/24/87 (52 FR 31892)
Final Action 00/00/00
Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 08/12/87 (52 FR 30042)
NPRM (Amendment) 07/06/89 (54 FR 28442)
Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)
Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 08/12/88 (53 FR 30522)
Final Action 00/00/00
Cough/Cold (Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 02/28/89 (54 FR 8494)
Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 03/00/90
Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)
Final Action 00/00/00
Daytime Sedatives
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 06/22/79 (44 FR 36378)
Diaper Rash Products (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39406)
Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 01/29/88 (53 FR 2706)
Final Action 00/00/00
Emetic Products
ANPRM 03/21/75 (40 FR 12939)
NPRM 09/05/78 (43 FR 39544)
Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00
External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 5852)
NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)
NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)
NPRM (Amendment) (Poison Ivy) 10/00/89
NPRM (Amendment) (Diaper Rash) 03/00/90
NPRM (Amendment) (Fvr Blister/Ext) 03/00/90
Final Action 00/00/00
Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00
Fvr Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)
Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 07/07/89 (54 FR 28772)
Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 12/00/89
Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00
Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00
Insect Bite & Sting (Relief) Prdts (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)
Insect Repellent Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)
Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 11/16/88 (53 FR 46204)
Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00
Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
NPRM (Amendment) 10/01/86 (51 FR 35136)
Final Action 00/00/00
Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00
Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00
Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 11/16/88 (53 FR 46194)
Mercurial (Topical) Products (To be merged w/other rulemkg)
ANPRM 01/05/82 (47 FR 436)
Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00
Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/14/89 (54 FR 6814)
Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 03/04/88 (53 FR 7076)
Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00
Oral Health Care Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 01/27/88 (53 FR 2436)
NPRM (Amendment) (Antimicrobials) 00/00/00
Final Action 00/00/00
Oral Mucosal Injury Products (Merged w/Oral Health Care)
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Oral Wound Healing Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 07/18/86 (51 FR 26112)
Otic Products (Earwax)
NPRM 07/09/82 (47 FR 30012)
Final Action 08/08/86 (51 FR 28656)
Otic Products (Swimmers Ear)
NPRM 07/30/86 (51 FR 27366)
Final Action 00/00/00
Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 03/00/90
Overindulgence Remedies/Prevention of Inebriation
ANPRM 10/01/82 (47 FR 43540)
Final Action 07/19/83 (48 FR 32872)
Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 04/03/89 (54 FR 13480)
Poison Ivy/Oak/Sumac Prevention (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)
Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00
Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 03/00/90
Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
NPRM (Amendment) (Astringent) 04/03/89 (54 FR 13490)
NPRM (Amendment) (Poison Ivy) 10/00/89
NPRM (Amendment) (Diaper Rash) 03/00/90
NPRM (Amendment) (Fvr Blister/Ext) 03/00/90
Final Action 00/00/00
Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00
Stimulant Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/29/88 (53 FR 6100)
Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 08/17/88 (53 FR 31270)
Sunscreen Products
ANPRM 08/25/78 (43 FR 38206)
NPRM 00/00/00
Sweet Spirits of Nitre
ANPRM 02/22/80 (45 FR 11846)
Final Action 06/27/80 (45 FR 43400)

Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00
Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00
Vitamin/Mineral Products
ANPRM 03/16/79 (44 FR 16126)
Withdrawal 11/27/81 (46 FR 57914)
Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
NPRM (Amendment) 03/27/87 (52 FR 9992)
Final Action 00/00/00
Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8000**

RIN: 0905–AA06

---

776. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AA73

---

777. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review
NPRM 02/00/90
Final Action 00/00/00
Blood & Blood Derivatives; Implementation of Efficacy Review
NPRM 12/24/85 (50 FR 52602)
Comment Period Ends 03/24/86 (50 FR 52602)
Final Action 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AA75

---

778. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Agency Priority

Legal Authority: 21 USC 360b Federal, Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved.

Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Bob G. Griffith, DVM, Director, Division of Therapeutic Drugs for Non-Food Animals, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-110), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1963**

RIN: 0905–AA96

779. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by a reporting scheme that will require serious adverse reactions associated with licensed biological products to be reported to the Food and Drug Administration (FDA).

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse reactions reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These biologic regulations would require that all "serious and unexpected" adverse experiences and any "significant increase in frequency" of a serious expected event be reported to the agency within 15 working days. Known and nonserious adverse biological product experiences would be required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the product. This information (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permits the agency to monitor effectively the safety of all licensed biological products.

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AB53

780. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act; PL 100-290

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4718**

RIN: 0905–AB55

781. ABBREVIATED NEW DRUG APPLICATION REGULATIONS (TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984")

Significance: Agency Priority

Legal Authority: PL 98-417, (Title I)

CFR Citation: 21 CFR 10; 21 CFR 310; 21 CFR 314; 21 CFR 320

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. On July 10, 1989 (54 FR 28872), FDA proposed regulations to implement Title I. The proposal provides for the submission of abbreviated new drug applications for generic versions of drug products first approved after 1962. These new provisions will benefit consumers by making generic drug products available more quickly.

Timetable:

Action	Date	FR Cite
NPRM	07/10/89	54 FR 28872
NPRM Comment Period End	10/10/89	54 FR 28872
Final Action	00/00/00	

Small Entities Affected: None

HHS—PHS—FDA

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905–AB63

782. LOOK-BACK REQUIREMENTS FOR BLOOD RECIPIENTS WHO ARE AT INCREASED RISK OF HIV INFECTION

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV). In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" in which recipients of blood and blood components obtained from the donor's prior donations are traced and tested. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection--those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require that blood collection facilities notify the appropriate transfusion facilities as soon as an infected donor is identified and implement a system of followup to ensure that either recipients are notified or that the physician of record determined that notification was inappropriate or was not possible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AC90

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

783. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). On December 10, 1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS. (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
- NPRM 04/03/85 (50 FR 13306)
- Final Action 07/09/86 (51 FR 25012)
- Effective Date 01/09/87 (51 FR 25012)

GRAS Status of the Use of Sulfiting Agents on Potatoes
- NPRM 12/10/87 (52 FR 46968)
- Final Action 10/00/89

GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
- NPRM 12/19/88 (53 FR 51065)
- Final Action 03/00/90

Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
- NPRM 08/14/85 (50 FR 32836)
- Final Action 07/09/86 (51 FR 25021)
- Final Action Effective 08/09/86 (51 FR 25021)

Sulfiting Agents in Standardized Foods; Labeling Requirements
- NPRM 12/19/88 (53 FR 51062)
- Final Action 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: On the same date, the agency also proposed to establish labeling requirements when sulfiting agents are used in standardized foods.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 **426-9463**

RIN: 0905–AB52

784. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Agency Priority

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC

376(b) to 376(d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 1 color additive remains on the provisional list. The agency is presently reviewing petitions to list the color additive permanently. Because FD&C Red No. 3 animal feeding studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed tumorigenic response in the animal feeding (cont)

Timetable:

FD&C Red No. 3
Final Action 10/00/89

FD&C Red No. 3; Extension of Provisional Listing
Final Action 08/30/88 (53 FR 33147)
Final Action 06/30/89 (54 FR 27640)
Final Action 08/29/89 (54 FR 35860)

FD&C Red No. 3; Request for Data for Specific Uses
Notice 11/19/87 (52 FR 44485)

FD&C Red No. 3; Request for Data for Specific Uses; Postponement
Notice 12/21/87 (52 FR 48326)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: study. The agency asked a second scientific peer review panel of government scientists to consider data relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel was also asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. The panel submitted its report to the Commissioner in July 1987. The report was made available to the public in August 1987.

Agency Contact: **Catherine J. Bailey**, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, **202 472-5690**

RIN: 0905–AB60

785. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of August 4, 1987, the Food and Drug Administration (FDA) discussed an initiative concerning health-related claims or information on food labeling and the criteria it will apply in evaluating the propriety of such labeling. Consistent with this initiative, FDA proposed to amend certain regulations on food labeling to codify and to clarify its policy on the appropriate use of health-related messages. The agency also announced its intention to form a Public Health Service (PHS) committee that will attempt to develop "health messages" appropriate for use on food labeling.

FDA recognizes that this initiative represents a substantive change in past agency policy, and because of the complexity of the matter and the broad public interest, wishes to proceed cautiously and deliberately in its regulatory approach.

Pending this rulemaking proceeding, the agency will employ the criteria discussed in the preamble to the notice in evaluating the propriety of bringing enforcement action against products bearing health messages on food labeling.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28843
NPRM - Comment Period Ends	11/02/87	52 FR 28843
NPRM - Extension of Comment Period	11/02/87	52 FR 42003
NPRM - Correction of Extension of Comment Period	11/16/87	52 FR 43772
NPRM - Extension of Comment Period Ends	01/04/88	52 FR 43772
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **D. Adele Dennis**, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, **202 245-3117**

RIN: 0905–AB67

786. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of November 25, 1986, the agency published a proposed rule that would provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of

coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product), provided quantitative cholesterol content information is supplied. Public comments submitted in response to the proposed rule are being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	03/27/87	52 FR 2558
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Adele Dennis, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905–AB68

787. INFANT FORMULA ACT

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None

Abstract: The agency is preparing one proposal and one final rule which will implement the Infant Formula Act of 1986. The proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The final rule will establish infant formula microbiological testing, consumer complaints, and record retention requirements.

Timetable:

Infant Form Cons Comp, Micro Test & Recd Retention Req
NPRM 01/26/89 (54 FR 3783)
NPRM Comment Period End 03/27/89
Final Action 01/00/90

Infant Formula Current Good Practices; Qual Control Proc
NPRM 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Duy, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-314), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905–AC46

788. COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Agency Priority

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the FEDERAL REGISTER of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual (cont)

Timetable:

Action	Date	FR Cite
NPRM - To Revoke Regulation	07/16/87	52 FR 26690
NPRM - Comment Period Ends	09/14/87	52 FR 26690
NPRM - Extension of Comment Period	09/25/87	52 FR 36046
NPRM - Extended Comment Period Ends	12/13/87	52 FR 36046
NPRM - Comment Period Reopened	01/22/88	53 FR 1795
NPRM - Reopened Comment Period Ends	01/27/88	53 FR 1795
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The revocation of this regulation will allow voluntary percentage labeling of these diluted juice beverages at the discretion of the manufacturer and according to the demands of the marketplace. Diluted orange juice beverages would continue to be subject to the percentage labeling requirement that has been in effect for diluted orange juice beverages since 1973. This proposed action also withdraws the proposed rule published in the FEDERAL REGISTER of June 1, 1984 (49 FR 22831), which, among other things, exempted cranberry juice products from percentage ingredient labeling requirements.

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C

Street, SW, Washington, DC 20204, **202 485-0229**

RIN: 0905–AC48

789. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None

Abstract: In the Federal Register of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA has proposed (53 FR 45678) to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45678
NPRM Comment Period End	01/09/89	53 FR 45678
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Ann A. Graham**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905–AC52

790. LABELING FOR MENSTRUAL TAMPONS; RANGES OF ABSORBENCY

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 352; 21 USC 360; 21 USC 371; 21 USC 374

CFR Citation: 21 CFR 801.430

Legal Deadline: Final, Judicial, October 30, 1989.

Abstract: On September 23, 1988 (53 FR 37250), FDA proposed to amend its current regulations governing user labeling for menstrual tampons to require uniform absorbency testing of tampons and to standardize a method of expressing absorbency on tampon package labels. Under the proposal, manufacturers would have been required to include on the package label one of six letters (A-F) corresponding to a specific range of absorbency. After analyzing all the comments received in response to the proposal, FDA decided to repropose the amendments to 21 CFR 801.430 that would replace the letter designation initially proposed with six absorbency terms that are different from currently used terms (e.g., regular, super, and super plus). See 54 FR 25076; June 12, 1989. The new terms (i.e., low, medium, medium-high, high, very high, and highest absorbency), each of which would convey absorbency information, would correspond to the six absorbency ranges set out in the initial proposal. Under the reproposal, FDA would also require that the applicable new term of absorbency be placed on the principal display panel(s) of tampon packages, separate from and more prominent than any (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 37250
NPRM Comment Period End	12/22/88	53 FR 37250
Reproposal	06/12/89	54 FR 25076
Reproposal - Comment Period Ends	08/11/89	54 FR 25076
Final Action	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: other information (e.g., regular, super, and super plus) except the corresponding numerical range of absorbency. The agency believes that the reproposed amendments would ensure truthful, accurate, and nonmisleading labeling, and facilitate interbrand comparisons of tampon absorbency.

Agency Contact: **Les Weinstein**, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4874**

RIN: 0905–AC54

791. ACTION LEVELS FOR ADDED POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD (INCLUDING ANIMAL FEED)

Significance: Regulatory Program

Legal Authority: 21 USC 342(a)(1)

CFR Citation: 21 CFR 109; 21 CFR 509

Legal Deadline: None

Abstract: On April 21, 1989 (54 FR 16128), FDA proposed to (1) amend its regulations creating and describing action levels for added poisonous or deleterious substances in food (including animal feed) to make clear that action levels constitute prosecutorial guidance rather than substantive rules, and (2) revoke the provisions for exceptions to action levels in 21 CFR Part 109 (human food) and 21 CFR Part 509 (animal feed) because of a court decision that relied on those regulations in determining that the action levels were substantive rules. Under the proposal, an action level would define a level of contamination at which the agency may regard a food as adulterated. The proposed amendments are intended to make it clear that action levels do not have a present effect and are not binding.

Timetable:

Action	Date	FR Cite
Notice of Court of Appeals Decision	02/19/88	53 FR 5043
NPRM	04/21/89	54 FR 16128
NPRM Comment Period End	06/20/89	54 FR 16128
Final Action	12/00/89	

HHS—PHS—FDA

Final Rule Stage

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John R. Wessel, Director, Contaminants Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs (HFC-6), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1815**

RIN: 0905–AC73

792. PRESCRIPTION DRUG MARKETING ACT OF 1987; IMPLEMENTATION

Significance: Agency Priority

Legal Authority: PL 100-293

CFR Citation: 21 CFR 399

Legal Deadline: Final, Statutory, October 20, 1988.
Statutory date applies only to issuing guidelines for State licensing of wholesale drug distributors.

Abstract: The Prescription Drug Marketing Act of 1987 (the new law) amends the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer or for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. The new law requires that the guidelines under (1) above be promulgated as a regulation, through notice and comment rulemaking. It also provides that the prohibition against distribution of prescription drugs by unlicensed wholesalers becomes effective two years (cont)

Timetable:

Prescription Drug Marketing Act; Information Letter
Notice 08/08/88 (53 FR 29776)

Reimportation of Prescription Drugs; Import Alert
Notice 07/26/88 (53 FR 28069)

Wholesale Drug Distributors; Guidelines for State Licensing
NPRM 09/13/88 (53 FR 35325)
NPRM Public Comment Period End 10/13/88
Final Action 01/00/90

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: after the final regulation is published by the agency in the FEDERAL REGISTER. FDA has developed guidance information respecting other sections of the new law. The agency is also developing regulations implementing those sections.

Agency Contact: Richard Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC81

793. LEAD FROM CERAMIC PITCHERS

Significance: Agency Priority

Legal Authority: 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 109

Legal Deadline: None

Abstract: On June 1, 1989 (54 FR 23485), FDA proposed to establish a regulatory limit for ceramic food-service pitchers, excluding creamers, that would limit the leaching of lead from the glazes and decorations on the food-contact surface of these pitchers to no more than 0.1 microgram per milliliter (ug/mL) of test solution. FDA also proposed to provide that decorative ceramicware that appears to be suitable for food use will be deemed to be for food use unless it bears a conspicuous, permanent label statement molded or fired onto the ceramic piece that states that the piece is not for food use, or a hole is bored through the possible food-contact surface of the piece. FDA proposed this provision to ensure that decorative pieces are not confused with food-contact ceramicware. Finally, by means of the notice, FDA solicited comments and information on several other matters, including the need to decrease leachable lead from other ceramicware (flatware, cookware, and large and small hollowware other than pitchers) and appropriate measures for achieving any needed decrease.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	54 FR 23485
NPRM Comment Period End	07/31/89	54 FR 23485
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 **485-0229**

RIN: 0905–AC91

794. PROFICIENCY TESTING REQUIREMENTS FOR LABORATORIES TESTING BLOOD AND BLOOD COMPONENTS BY THE FDA-REQUIRED TESTS FOR HBSAG AND ANTI-HIV

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 360; 21 USC 371; 42 USC 262; 42 USC 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

Abstract: The agency has proposed to amend the regulations concerning blood products to require that each establishment or laboratory, responsible for performing FDA-required tests for hepatitis B surface antigen (HBsAg) and evidence of human immunodeficiency virus (HIV), participate in an approved program to demonstrate proficiency in performing these tests. The proposal is part of an FDA program to provide increased assurance of the quality of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24296
NPRM Comment Period End	07/06/89	54 FR 24296
Final Action	04/00/90	

HHS—PHS—FDA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AC92

795. METHADONE IN MAINTENANCE TREATMENT OF NARCOTIC ADDICTS; JOINT FDA AND NIDA PROPOSED REVISION OF CONDITIONS OF USE

Significance: Regulatory Program

Legal Authority: 21 USC 355; 21 USC 371(a); 21 USC 823(g); 42 USC 257a; 42 USC 290ee-3

CFR Citation: 21 CFR 291

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Institute on Drug Abuse are considering a proposal to revise the conditions for the use of methadone in the maintenance treatment of narcotic addicts. The proposal would allow programs to provide minimum service (interim) maintenance treatment to patients awaiting placement in comprehensive maintenance treatment and require programs to provide counseling on avoidance of human immunodeficiency virus (HIV) transmission. These requirements are being considered in response to the HIV epidemic and are intended to allow more narcotic addicts into treatment more quickly, thereby decreasing the incidence of intravenous drug abuse and the transmission of HIV.

Timetable:

Action	Date	FR Cite
NPRM	03/02/89	54 FR 8973
NPRM Comment Period End	05/03/89	54 FR 13897
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Wayne H. Mitchell, Regulatory Counsel, Div. of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC93

796. EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY-DEBILITATING ILLNESSES

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 357; 21 USC 371; 42 USC 262

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of October 21, 1988 (53 FR 41561), FDA issued an interim rule effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely-debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a FEDERAL REGISTER document that will respond to these comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41561
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AC94

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

797. METHYLENE CHLORIDE

Significance: Agency Priority

CFR Citation: 21 CFR 700.19

Completed:

Reason	Date	FR Cite
Final Action	06/29/89	54 FR 27328
Final Action Effective	08/28/89	54 FR 27328

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell 202 485-0229

RIN: 0905–AC00

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

798. AREA HEALTH EDUCATION CENTER PROGRAM

Legal Authority: 42 USC 216; 42 USC 295g-l

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None

Abstract: This NPRM proposes to amend the existing regulations governing the Area Health Education Center Program, under section 781 of the Public Health Service Act, to incorporate amendments made by the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129), and Title VI of Pub. L. 100-607, the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Heyob, Deputy Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AC67

799. DESIGNATION OF MENTAL HEALTH MANPOWER SHORTAGE AREAS

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an amendment to the existing regulations governing the Designation of Health Manpower Shortage Areas authorized by section 332 of the Public Health Service Act, which would replace the current criteria for designations of areas having shortages of psychiatrists with criteria for mental health manpower shortage areas to include not only psychiatrists but also other core mental health professionals (clinical psychologists, psychiatric social workers and psychiatric nurses) in a geographic area.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32459
NPRM Comment Period End	10/10/89	54 FR 32460
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy, Development, BHCDA, Department of Health and Human Services, Public Health Service, Room 7A08, Parklawn Building, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC68

800. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: BANKRUPTCY REVISIONS

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This NPRM would amend existing regulations governing the Health Education Assistance Loan (HEAL) Program, as authorized by sections 727-739 of the Public Health Service Act, to include revised procedures for handling HEAL bankruptcies.

Timetable:

Action	Date	FR Cite
NPRM	10/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-23 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-1173**

RIN: 0905–AC75

801. NURSING STUDENT LOAN (NSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Nursing Student Loan (NSL) Program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, including nurses, and the Office of the Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Title VII of Pub. L. 100-607, the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley A. Zimmerman, Chief, Program Acctg. and Analysis Branch, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-1700**

RIN: 0905–AC76

802. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Health Professions Student Loan program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, and the Office of Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Title VI of Pub. L. 100-607, the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley A. Zimmerman, Chief, Program Acctg. and Analysis Branch, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-1760

RIN: 0905–AC78

803. GRANTS FOR COMMUNITY HEALTH CENTERS

Legal Authority: PL 100-386; PL 95-626; PL 99-280

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 51c, Subpart A-E, to bring them into conformance with amendments to Section 330 of the Public Health Service Act which were enacted in 1986 and 1988. These include extension of the program authorization, addition of capital construction authority, and changes regarding program income and services. PL 99-280 requires that the Secretary consult with the Chief Executive Officer and local officials of a State in publishing Medically Underserved Population designation criteria and in designating or de-designating Medically Underserved Populations. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	06/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program and Policy Development, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC85

804. GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: PL 100-386; PL 95-626

CFR Citation: 42 CFR 56

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 56, Subparts A-H, to bring them into conformance with amendments to section 329 of the PHS Act. They were enacted in 1986 and 1988. These include extension of the program authorization, addition of perinatal program authorization, addition of capital construction authority, and changes regarding program income and services.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy Development, BHCDA, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC86

805. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PERFORMANCE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294 to 294 l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the HEAL program to establish performance standards against which school, lender, and holder default rates would be measured. These standards would provide schools, lenders, and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James W. Farrington, D.M.D., Deputy Director, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-23, Parklawn Building, Rockville, MD 20857, 301 443-1173

RIN: 0905–AC87

806. NATIONAL DATA BANK FOR ADVERSE INFORMATION ON HEALTH CARE PRACTITIONERS AND PROVIDERS (SECTION 5 AMENDMENTS)

Significance: Regulatory Program

Legal Authority: 42 USC 11101 to 11152; 42 USC 1396 r-2

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners to implement section 5 of the Medicare and Medicaid Patient and Program Protection Act of 1987. This provision requires States to report to the Secretary of HHS certain adverse licensure actions taken against health care practitioners and health care entities.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Division of Quality Assurance and, Liability Management, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2300

RIN: 0905–AC88

HHS—PHS—HRSA — Proposed Rule Stage

807. ● GRANTS FOR EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

Legal Authority: 42 USC 216; 42 USC 295g-7

CFR Citation: 42 CFR 57, Subpart S

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing section 787 of the PHS Act, by adding statutory changes made by Title VI of Pub. L. 100-607, including: 1) that 10 percent of the amount of funds appropriated during any fiscal year be set aside for community-based programs; 2) that schools not having large enrollments of students from disadvantaged backgrounds increase their enrollments of such students during a period of 3 years by 20 percent over the base year of 1987; and 3) that the amount of grant funds obligated to institutions of higher education be changed from 80 percent to 70 percent. It would also require that an individual complete at least the junior year of high school (or its equivalent) in order to receive educational assistance.

Timetable:

Action	Date	FR Cite
NPRM	11/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay E. Simpson, Jr., Ph.D., Director, Division of Disadvantaged, Assistance, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8A-09, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2100**

RIN: 0905–AD01

808. ● GRANTS FOR NURSING SPECIAL PROJECTS

Legal Authority: 42 USC 216; 42 USC 296k

CFR Citation: 42 CFR 57, Subpart T

Legal Deadline: None

Abstract: This rule proposes to amend the existing regulations governing the Nursing Special Projects program under section 820 of the PHS Act to reflect changes made by the Nursing Shortage Reduction and Education Extension Act of 1988 (Title VII of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: O. Marie Henry, RN, DNSc., Director, Division of Nursing, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AD02

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

809. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129 (ALLIED HEALTH)

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule implements provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	11/07/88	53 FR 44913
NPRM Comment Period End	01/06/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Heningburg, Director, Division of Student Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-23, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1173**

RIN: 0905–AC28

810. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None

Abstract: These regulations implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92), add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365), and incorporate technical amendments to the existing regulations made by Title VII of Pub. L. 100-607, of the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16158
NPRM Comment Period End	07/05/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: O. Marie Henry, R.N., DNSc., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AC30

811. NURSING POST-BACCALAUREATE FACULTY FELLOWSHIPS PROGRAM

Legal Authority: 42 USC 216; 42 USC 297

CFR Citation: 42 CFR 57, Subpart BB

Legal Deadline: None

Abstract: These regulations implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92).

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24002
NPRM Comment Period End	08/04/89	
Final Action	02/05/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: O. Marie Henry, R.N., DNSc., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905–AC34

812. NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS

Significance: Regulatory Program

Legal Authority: 42 USC 11136; 42 USC 11137

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This rule sets forth criteria and procedures for information to be collected in and released from a National Practitioner Data Bank, in accordance with the requirements of Title IV, Part B, of the Health Care Quality Improvement Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Division of Quality Assurance and Liability Management, BHPr, Department of Health and Human Services, Public Health Service, Room 8-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2300

RIN: 0905–AC51

813. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM; GRANTS FOR STATE LOAN REPAYMENT PROGRAMS AND SPECIAL REPAYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: PL 100-177

CFR Citation: 42 CFR 62.21 to 62.30; 42 CFR 62.51 to 62.58; 42 CFR 62.71 to 62.76

Legal Deadline: Final, Statutory, May 28, 1988.

Abstract: The Public Health Service Amendments of 1987, PL 100-177 amends the Public Health Service Act adding a new section at 338B of the Act authorizing the Secretary to establish the NHSC Loan Repayment Program. PL 100-177 also amends the PHS Act by adding a new section 338H authorizing the Secretary to establish a program of matching grants to support state loan repayment programs similar to the Federal Loan Repayment Program. PL 100-177 also establishes a new program which is not part of the PHS Act which provides a time limited opportunity for persons in default of their scholarship obligation as of November 1, 1987 to repay these obligations through service or through a combination of service and monetary payment. The publication of the regulations beyond the statutory date will not have any impact on the funding or implementation of the programs affected by these regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/89	54 FR 13458
Comment Period End	06/02/89	54 FR 13458
Final Action	03/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Program and Policy, Development, BHCDA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 7A08, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC65

814. GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-9(b)

CFR Citation: 42 CFR 57, (Subpart PP)

Legal Deadline: None

Abstract: These final regulations govern grants under section 789(b) of the Public health Service Act, made to schools of medicine, osteopathic medicine, teaching hospitals and graduate medical education programs for the purpose of providing support, including residencies, traineeships, and fellowships, for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry, in accordance with Pub. L. 100-177, the Public Health Amendments of 1987, and as amended, by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44496
NPRM Comment Period End	01/03/89	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Heyob, Deputy Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 4c-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905–AC71

815. ● GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4

CFR Citation: 42 CFR 57, Subpart FF

Legal Deadline: None

Abstract: These regulations remove the requirement that specific percentages of the residency training experience be devoted to providing continuity of care to a defined panel of patients.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

HHS—PHS—HRSA — Final Rule Stage

Agency Contact: John M. Heyob, Deputy Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AD03

816. ● GRANTS FOR PREDOCTORAL, GRADUATE, AND FACULTY DEVELOPMENT EDUCATION IN FAMILY MEDICINE

Legal Authority: 42 USC 216; 42 USC 295g-6(a)

CFR Citation: 42 CFR 57, Subpart Q

Legal Deadline: None

Abstract: These regulations: 1) clarify that the intent of the existing regulations is to limit the length of time during which a trainee may receive stipend support, rather than restricting the length of a training program; and 2) expand the period of support permitted for trainees in faculty development programs receiving grant support from 1 calendar year to a maximum of 24 cumulative months.

Timetable:

Action	Date	FR Cite
Final Action	11/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Heyob, Deputy Director, Division of Medicine, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AD04

817. ● HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 294 - 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Health Education Assistance Loan (HEAL) program under sections 727-739 of the PHS Act to incorporate amendments to the program made by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	12/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stuart Weiss, Chief, Health Ed. Asst. Loan Branch, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-39, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1540**

RIN: 0905–AD05

818. ● NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 297a-i

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Nursing Student Loan (NSL) Program under sections 835-842 of the PHS Act to incorporate amendments to the program made by the Nursing Shortage Reduction and Education Extension Act of 1988 (Title VII of P.L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Baggett, Chief, Student & Institutional Support Br., DSA, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4776**

RIN: 0905–AD06

819. ● HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF PUBLIC LAW 100-607

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: This final rule amends the existing regulations governing the Health Professions Student Loan (HPSL) Program under sections 740-747 of the PHS Act to incorporate amendments to the program made by the Health Professions Reauthorization Act of 1988 (Title VI of Pub. L. 100-607).

Timetable:

Action	Date	FR Cite
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Baggett, Chief, Student & Institutional Support Br., DSA, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-34, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-4776**

RIN: 0905–AD07

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

820. GRANTS FOR CENTERS FOR EXCELLENCE

CFR Citation: 42 CFR 57, Subpart V

Completed:

Reason	Date	FR Cite
Final Action	07/05/89	54 FR 28065
Final Action Effective	07/05/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay E. Simpson, Jr.,Ph.D. **301 443-2100**

RIN: 0905–AC77

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Indian Health Service (IHS)

Proposed Rule Stage

821. INDIAN HEALTH CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	
NPRM Comment Period End	04/01/90	
Final Action	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm 8A23, Parklawn Bldg., 5600 Fishers Lave, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AC97

822. REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 450; PL 100-202; PL 100-446; PL 100-472; PL 100-581

CFR Citation: 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

Legal Deadline: NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

Abstract: Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility to tribes so requesting, using the mechanism of contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and/or operations of health programs. Public Law 100-472, enacted October 5, 1988, significantly expands the scope of programs covered beyond those administered by IHS. This Act further provided that all contracting requirements be contained in regulations promulgated in final within ten months of enactment. The Law provides for tribal consultation and participation in the development of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/01/90	
NPRM Comment Period End	09/01/90	
Final Action	01/17/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

1. The Act (P.L. 100-472) provides that except for construction contracts, the Office of Federal Procurement Policy Act and Federal Acquisition Regulations shall not apply to self-determination contracts. Therefore, implementing regulations for the Indian Self-Determination Act amendments will include a subpart on construction contracts, which, unlike other self-determination awards will be made subject to certain procurement rules (e. g., FARS, HSARS, FSARS). 2. There is a statutory requirement to implement P.L. 93-638 regulations. 3. There is a paperwork burden associated with the action. It will be included with the overall clearance package.

Agency Contact: Richard J. McCloskey, Dir., Div., of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, **301 443-1116**

RIN: 0905–AC98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Indian Health Service (IHS)

Final Rule Stage

823. INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of $25,000 per year in exchange for service in an Indian health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/90	
Public Comment Period End	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell Pratt, Chief, Manpower Support Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6A20, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, **301 443-4243**

RIN: 0905–AC96

824. ● CONTRACT HEALTH SERVICES

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: While the courts have upheld the IHS alternate resource regulation as consistent with congressional intent and the Federal trust responsibility, the courts have nevertheless allowed State and local governments to adopt their own residuality requirements defeating the purpose of the Federal regulations. We are proposing a clarification to the regulations governing receipt of contract health services from the IHS. Under this proposal, IHS would be specifically designated as payor of last

HHS—PHS—IHS HHS **Final Rule Stage**

resort for persons defined as eligible for IHS contract health services notwithstanding any State or local law to the contrary. Failure to address this problem could severely drain IHS resources as well as jeopardize the Indian's rights to equal protection and equal access to State and local programs.

Timetable:

Action	Date	FR Cite
NPRM	06/08/89	54 FR 24654
NPRM Comment Period End	07/10/89	54 FR 24654
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, OPEL, IHS, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AD00

825. ● PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 44 to 46; 25 USC 472; 42 USC 2003

CFR Citation: 42 CFR 36

Legal Deadline: Other, Judicial, February 6, 1989.
Department is under continuing Court order to apply same definition of term "Indian" for purposes of Indian preference as that adopted by the Department of the Interior.

Abstract: Amends definition of term "Indian" for purposes of Indian preference in employment in the Indian Health Service to persons of the Osage Tribe of Oklahoma. Amendment extends previous expiration date to permit tribe to organize and establish current membership standards.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Department of Health and Human Services, Public Health Service, Rm. 8A23, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AD09

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

826. CHANGES IN NIH PROGRAM REGULATIONS DUE TO PL 99-158, PL 99-499 AND TITLE X OF PL 99-660

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209; PL 99-660, Title X

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158), the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), and the provisions of Title X of P.L. 99-660 concerning Alzheimer's Disease and Related Dementias Research.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905–AC02

827. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Migliore, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905–AC27

828. VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

Legal Authority: 42 USC 282(b)(10); 42 USC 284(b)(1)(k)

CFR Citation: 45 CFR 57A

Legal Deadline: None

Abstract: Sections 402 and 405 of the PHS Act authorize the Secretary, HHS, acting through the Director, NIH, and the Directors of the NIH's Institutes, to accept the uncompensated services of volunteers in carrying out the functions of the NIH. These regulations would describe the process for accepting volunteered service and for benefits and limitations on those who volunteer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John D. Mahoney, Associate Director for Administration, NIH, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. 136, 9000 Rockville Pike, Bethesda, MD 20205, 301 496-4466

RIN: 0905–AC95

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—National Institutes of Health (NIH)

829. NATIONAL LIBRARY OF MEDICINE PROGRAMS; REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905–AA66

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Public Health Service (PHS)—National Institutes of Health (NIH)

830. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

CFR Citation: 42 CFR 50

Completed:

Reason	Date	FR Cite
Final Action	08/08/89	54 FR 32496
Final Action Effective	11/08/89	54 FR 32496

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian W. Kimes, Ph.D. **301 496-2624**

RIN: 0905–AB91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Health Care Financing Administration (HCFA)

831. LIMITATION ON OUT-OF-POCKET COST-SHARING EXPENSES FOR COVERED MEDICARE PART B SERVICES

Legal Authority: 42 USC 1935kk; 42 USC 1395mm; PL 100-360, Sec 201; PL 100-360, Sec 202(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395l; 42 USC 1395m; 42 USC 1395cc

CFR Citation: 42 CFR 410.12; 42 CFR 410.153; 42 CFR 410.154; 42 CFR 410.2; 42 CFR 410.1; 42 CFR 410.3; 42 CFR 410.150; 42 CFR 410.152; 42 CFR 410.160; 42 CFR 410.161; 42 CFR 410.162; 42 CFR 489.21

Legal Deadline: None

Abstract: This rule would establish an annual limit to the amount of costs a Medicare beneficiary shares in under Part B (the Supplementary Medical Insurance Program) beginning January 1, 1990. It also would specify the annual deductible and coinsurance amounts beneficiaries would pay for prescription drugs and insulin when they become covered items in 1990. These changes would implement the self-executing provisions of sections 201 and 202(b) of the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
Final with Comment Period	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Leslie Warren, Program Analyst, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 349 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4483**

RIN: 0938–AE13

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Health Care Financing Administration (HCFA)

832. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b)

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AA33

833. MEDICAID ELIGIBILITY AND COVERAGE REQUIREMENTS

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This regulation would amend the regulations for determining Medicaid eligibility. The amendments would implement or conform the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982, the Omnibus Budget Reconciliation Act of 1987 and the Medicare Catastrophic Coverage Act of 1988. The amendments would also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AA58

834. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations will permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AB07

835. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); PL 100-203, Sec 4064

CFR Citation: 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.506; 42 CFR 405.511; 42 CFR 405.556; 42 CFR 405.1310; 42 CFR 413.170; 42 CFR 414.350 to 378; 42 CFR 424.55; 42 CFR 424.64; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321

Legal Deadline: None

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, 99-509, and 100-203 and 100-647 regarding payment and "assignment" for diagnostic clinical laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment for exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB50

836. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(D); 42 USC 1396o(a)(2)(E); 42 USC 1302; 42 USC 1396n(g)

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None

Abstract: These regulations would implement 2 provisions of Pub. L. 99-272: (1) under section 9505, Medicaid coverage of hospice care, at State option, the regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) under section 9508, Medicaid coverage of case management services, at State option case management services may be furnished to specific Medicaid groups or geographic areas within a State. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC52

837. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.11; 42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This proposed rule would establish uniform rules for determining the effective date of participation for all Medicare and Medicaid providers and suppliers. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Alfreda Stanton, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6770**

RIN: 0938–AC88

838. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 466.150 to 190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Legal Deadline: None

Abstract: This proposed rule would implement section 9401 of Pub.L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third physician. In addition, as required by section 4096(b) of Pub. L.100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, suppler or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare, (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

Agency Contact: Richard Husk, Director, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AC90

839. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise

Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4509**

RIN: 0938–AC97

840. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by a provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD01

841. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. Ancillary services will be paid on the basis of reasonable cost. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be paid under this prospective payment system may file a simplified cost report.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD02

842. RECOGNITION OF JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS' HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Legal Authority: 42 USC 1395bb(a); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Under this final notice, hospital-based home health agencies accredited by the Joint Commission on Accreditation for Healthcare Organizations' and home health agencies accredited by the National League for Nursing are considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies will not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of the home health agency's deemed status, a State also can choose to permit the agency to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	12/31/87	52 FR 49510
Public Comment Period End	02/29/88	52 FR 49510
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 431 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5667**

RIN: 0938–AD13

843. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1396a(b)(2); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396a(c); 42 USC 1396b(f); 42 USC 1396b(u); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), the Omnibus Budget Reconciliation Acts of 1987 and 1986, (P.L. 100-203 and P.L. 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to a specified percentage of the Federal poverty line; clarify eligibility of homeless individuals; and add provisions for a presumptive eligibility period for pregnant women who, based on preliminary information, appear to

meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD17

844. TRANSFER OF ASSETS

Legal Authority: 42 USC 1302; 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations to the provisions of section 303(b) of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360). Section 303(b) requires that State Medicaid agencies provide individuals who are in long term care or receiving home and community based services with a period of ineligibility for Medicaid coverage of those services for up to 30 months if these individuals made transfers of assets for less than fair market value during a prohibited period. The period of ineligibility applies if the individual made a transfer of assets for less than fair market value at any time during or after he 30 month period immediately before (1) the date the individual became institutionalized, if he or she was entitled to Medicaid on that date, or (2) if not entitled to Medicaid on that date, the date he or she applied for Medicaid while institutionalized. Section 303(b) also exempts certain specific transfers of assets from the period of ineligibility.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD18

845. DISCONTINUATION OF PREVAILING CHARGE DIFFERENTIALS FOR SPECIALISTS

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.504(b)

Legal Deadline: None

Abstract: We are proposing discontinuing the establishment of separate prevailing charge screens for physicians' services based on specialty practice.

Timetable:

Action	Date	FR Cite
Notice of Request For Comments	04/12/88	53 FR 12037
Comment Period End	06/13/88	53 FR 12037
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4497**

RIN: 0938–AD26

846. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES, VISION CARE AND SERVICES FURNISHED BY PHYSICIAN ASSISTANTS

Legal Authority: 42 USC 1302; 42 USC 1395x(g); 42 USC 1395k(a)(2)(C); 42 USC 1395l(a); 42 USC 1395n(a)(2)(C); 42 USC 1395x(r); 42 USC 1395x(s)(2)(K); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395l(h); 42 USC 1395u(b)(12)

CFR Citation: 42 CFR 400.202; 42 CFR 405.1230; 42 CFR 410; 42 CFR 424; 42 CFR 483; 42 CFR 486; 42 CFR 489.2

Legal Deadline: None

Abstract: This proposed rule would implement sections 9337 and 9338 of Pub.L. 99-509 which provide Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy, and for physician assistant services. It also would implement section 9336 of P.L. 99-509 which includes in the definition of "physician", a doctor of optometry with respect to all services the optometrist is authorized to provide by the State in which he or she provides them.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sheridan Gladhill, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 403, EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4605**

RIN: 0938–AD32

847. STATE SHARE OF FINANCIAL PARTICIPATION

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 433

Legal Deadline: None

Abstract: This rule revises the current policy concerning State's use of donations and certain taxes in determining the State share of Federal financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Bernard Truffer, Chief, Special Reimbursement, Programs Branch, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4576**

RIN: 0938–AD36

848. PRO DISCLOSURE TO LICENSING AND CERTIFICATION BODIES

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule would revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payment denial against those hospital providers who circumvent the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Husk, Director, Office of Medical Review, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AD42

849. REVISION OF THE MEDICARE ECONOMIC INDEX

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This proposed rule would establish in regulations the revised proxy measures which we believe have a sounder economic foundation than the current ones and meet the requirements of the statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ross H. Arnett, III, Chief, Economics and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, 1705 Equitable Building Room 100, 6325 Security Blvd., Baltimore, MD 21207, **301 966-7934**

RIN: 0938–AD43

850. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy; 42 USC 1302

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD48

851. APPLICATION OF THE COMPARABLE SERVICES LIMITATION IN DETERMINING REASONABLE CHARGES

Legal Authority: 42 USC 1395u(b)(3)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.508

Legal Deadline: None

Abstract: This proposed rule would clarify the circumstances under which Medicare carriers are to apply the comparable services limitation in making their determination of a reasonable charge for Medicare Part B services. Under section 1842(b)(3)(B) of the Act, carriers are prohibited from making a determination of a reasonable charge that would be higher than the charge upon which they would base payment to their own policyholders for a comparable service under comparable circumstances. Currently, there is a great deal of confusion among the carriers as to what constitutes comparable services and comparable circumstances, the result of which is that very few carriers are applying the comparable services limitation in their reasonable charge determination. We would revise the regulations to more clearly state how the comparable services limitation should be implemented by the carriers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD50

852. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY

Legal Authority: 42 USC 1396n(d); 42 USC 1302

CFR Citation: 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.180; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 456.1; 42 CFR 456.600 to 456.603; 42 CFR 456.605 to 456.611

Legal Deadline: Final, Statutory, October 1, 1989.
Regulation must be promulgated containing methodology. Section 1915(d)(5)(B)(iii)

Abstract: This regulation would implement section 1915(d) of the Act. These rules would allow a State to provide skilled nursing facility (SNF), intermediate care facility (ICF), and home and community-based services to individuals 65 years of age and older, in exchange for a "cap" on the amount of money for which Medicaid Federal financial participation would be available. The program would be administered by means of waivers which a State could request. As currently constructed, the statute allows

for waivers of statewideness, comparability, and income deeming. Home and community-based services could be made available to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in an SNF or ICF, the cost for which could be paid by Medicaid. For States electing this option, the waiver would replace the home and community-based services waivers available under section 1915(c) of the Act, for individuals in this age category.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR ., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD55

853. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS

Legal Authority: 42 USC 1306; 5 USC 552; 42 USC 1302; PL 99-570; EO 12600

CFR Citation: 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act. The regulations would be revised based on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This proposed rule would also conform HCFA's FOIA regulations to regulations recently published by DHHS, as well as to guidance issued by the Office of Management and Budget and the Department of Justice to implement Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rosario Cirrincione, Chief, Freedom of Information Branch, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6660 Security Blvd., Baltimore, MD 21207, **301 966-5352**

RIN: 0938–AD60

854. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES

Legal Authority: 42 USC 1395i-3(f)(7); 42 USC 1395hh; 42 USC 1396v(f)(7)

CFR Citation: 42 CFR 405; 42 CFR 442

Legal Deadline: Final, Statutory, July 1, 1988.

Abstract: This proposed rule would define those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 429 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD66

855. PROHIBITION OF FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This proposed rule would reflect the court decision precluding the Department from using a child's individualized education program rather than the nature of services provided, to determine whether or not services provided to ICF/MR residents are reimbursable under Medicaid and the language in the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel W. Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 428 EHR, 6325 Security Boulevard, Baltimore, Maryland, **301 966-4620**

RIN: 0938–AD69

856. PRE-ADMISSION REVIEW AND AUTHORIZATION OUTPATIENT SURGERY, PRE-ADMISSION DIAGNOSTIC TESTING AND SAME DAY SURGERY UNDER MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring pre-admission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463,

EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4646**

RIN: 0938–AD70

857. CHANGES TO THE REASONABLE COST REGULATION CONCERNING INVESTMENT INCOME

Legal Authority: 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.153; 42 CFR 413.17; 42 CFR 413.130

Legal Deadline: None

Abstract: This rule proposes to revise 42 CFR 413.153(b)(2), which requires that "necessary interest" be offset by investment income. Rather than to offset interest expense by investment income, we propose to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD72

858. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: These rules would establish limitations on Medicare payment for services furnished to disabled "active individuals" who are also covered under a large group health plan (LGHP), and prohibit discrimination by an LGHP against such individuals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4474**

RIN: 0938–AD73

859. CLARIFICATION OF DURABLE MEDICAL EQUIPMENT COVERAGE UNDER MEDICARE

Legal Authority: 42 USC 1395x(s)(6) and (n); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would codify longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It would describe how all items of DME must be ordered by a physician and explain the requirements necessary for an item to be considered durable.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AD77

860. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME AIDE SUPERVISION AND DISCHARGE PLANNING

Legal Authority: 42 USC 1302; 42 USC 1395x(m) and (o); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 418

Legal Deadline: None

Abstract: This proposed rule would establish home health aid supervision and duty requirements applicable to all HHA's that provide services under Medicare. In addition, these regulations would codify longstanding policies that concern the limitations and exclusions applicable to home health services under Medicare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Room 405 EHR, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD78

861. PREPAID HEALTH CARE PLANS: BENEFICIARY AND OTHER RELATED PROVISIONS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would make a number of changes to the regulations governing health maintenance organizations, competitive medical plans, and health care prepayment plans that furnish Medicare covered services to Medicare beneficiaries. These proposed changes relate to the provision of services, beneficiary and plan rights and liabilities, and contracts. Most of the changes would clarify or establish policy in areas in which operational experiences have demonstrated a need for revision. Several of the changes would implement provisions of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan Mahanes, Program Analyst, Div of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4642**

RIN: 0938–AD79

862. OMNIBUS NURSING HOME REFORM REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4201; 42 USC 1396r; PL 100-203, Sec 4211; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 483; 42 CFR 431; 42 CFR 440; 42 CFR 488

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), PL 100-203, other than those implemented through the rule published on February 2, 1989 governing long term care facility in the Medicare and Medicaid programs effective October 1, 1990, and State requirements for FFP.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4620**

RIN: 0938–AD81

863. NEW MINIMUM STANDARDS FOR MEDICARE SUPPLEMENTAL (MEDIGAP) POLICIES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk(a); 42 USC 1395ss

CFR Citation: 42 CFR 403.200; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.215 to 403.217; 42 CFR 403.220; 42 CFR 403.222; 42 CFR 403.232; 42 CFR 403.239; 42 CFR 403.250 to 403.258

Legal Deadline: None

Abstract: These proposed regulations would add requirements for certification of Medicare supplemental (Medigap) policies under the Federal voluntary certification program or for approval under State regulatory programs that are deemed to have standards that are equal to or more stringent than those of the Federal program. The new standards would include: required submission of advertising to the State; reporting of actual loss ratio information under both the Federal and State programs; a uniform 30-day free-look standard; and procedural requirements for the direct claim transmittal of bills submitted for services furnished to Part B beneficiaries by participating physicians and suppliers from Medicare carriers to Medigap insurers. Insurers would be required to pay user fees for the transmittal of claims. The regulations also would require conformance with the most recent model standards adopted by the National Association of Insurance Commissioners on September 20, 1988.These regulations would implement sections 4081(b) and (c) of the Omnibus Budget Reconciliation Act of 1987 and section 221 of the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD82

864. PAYMENT AND COVERAGE OF PSYCHOLOGISTS' SERVICES FURNISHED AT CLINICS

Legal Authority: 42 USC 1395x(s)(2)(M); 42 USC 1395x(aa)(1)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 491

Legal Deadline: None

Abstract: This proposed notice would establish payment and coverage for psychologists services furnished in clinics. Payment would be based on a fee schedule and under an assignment-related basis. The fee schedule would apply to all covered diagnostic and therapeutic services furnished by qualified psychologists at clinics. The fee schedule would not apply to diagnostic services furnished by independent psychologists. The fee schedule would apply to services furnished on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD84

865. FEE SCHEDULE FOR CERTIFIED NURSE-MIDWIFE SERVICES

Legal Authority: 42 USC 1395l(a)(1)(K) and (p); 42 USC 1395x(s)(2)(L) and (gg); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This proposed rule would provide for the establishment of a fee schedule for the services of certified nurse-midwives under the Medicare program. This proposal would implement section 4073 of PL 100-203 and would apply to Medicare services provided by certified nurse-midwives on or after July l, l988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5661**

RIN: 0938–AD85

866. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY

Legal Authority: 42 USC 1395x(s)(13) and (kk); 42 USC 1395m(e); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 494

Legal Deadline: None

Abstract: This regulation will implement section 204 of Pub.L. 100-360 by providing coverage and payment standards for screening mammography, information on the frequency of coverage, and certification of quality standards.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	54 FR 36736
NPRM Comment Period End	10/31/89	54 FR 36736
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD88

867. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1395k(a)(2)(A); 42 USC 1395x(jj); 42 USC 1395l; 42 USC 1395m(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 410.201; 42 CFR 410.203; 42 CFR 410.205; 42 CFR 410.207; 42 CFR 410.3; 42 CFR 424.28; 42 CFR 466.201; 42 CFR 466.202; 42 CFR 466.203; 42 CFR 466.204; 42 CFR 466.206; 42 CFR 466.208; 42 CFR 466.210; 42 CFR 466.212; 42 CFR 466.214

Legal Deadline: None

Abstract: This regulation will implement section 203 of Pub.L. 100-360. In particular it will define those services which could be covered as home intravenous drug therapy services and would require that all home intravenous therapy services be reviewed and approved by a Peer Review Organization.

Timetable:

Action	Date	FR Cite
NPRM	09/08/89	54 FR 37422
NPRM Comment Period End	11/07/89	54 FR 37422
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4638**

RIN: 0938–AD89

868. IN-HOME CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1395x(ll); 42 USC 1395l(a); 42 USC 1395n(a)(2); 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 408; 42 CFR 480

Legal Deadline: None

Abstract: This regulation would implement sections 205(b) through 205(e) of the Medicare Catastrophic Coverage Act of 1988 (Pub L. 100-360). It would define under the Medicare program covered services, eligible persons, payment guidelines, certification guidelines and standards for utilization of services for in-home care of chronically dependent individuals.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD90

869. COVERAGE OF OUTPATIENT PRESCRIPTION DRUGS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(t); 42 USC 1395y(c); 42 USC 1395n

CFR Citation: 42 CFR 410.10; 42 CFR 410.29 to 33

Legal Deadline: None

Abstract: This regulation will implement Sec. 202 of Pub.L. 100-360 which adds covered outpatient drugs as a covered service under Medicare. This regulation will provide a description of covered outpatient drugs and give specific guidelines on the time period a prescription will be covered.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37190
NPRM Comment Period End	11/06/89	54 FR 37190
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD91

870. SNF/NF ENFORCEMENT OF PROVISIONS: MEDICARE AND MEDICAID

Significance: Agency Priority

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4202; 42 USC 1396r; PL 100-203, Sec 4212; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 488

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub.L. 100-203, which govern the process used by HCFA to survey long-term care facilities, and certify that the facilities meet the conditions of participation for the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6763

RIN: 0938–AD94

871. RECOVERY OF OVERPAYMENTS RESULTING FROM COMPUTATIONAL ERRORS

Legal Authority: 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.350(a)(2); 42 CFR 405.355(a)

Legal Deadline: None

Abstract: Due to computational errors, some physicians and beneficiaries receive substantial sums of incorrect payments. This proposed rule would clarify situations where being without fault relieves a recipient of the obligation to return incorrect payments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Specifications are in OGC for development.

Agency Contact: Sam Guida, Director, Division of Overpayment Prevention, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-7521

RIN: 0938–AD95

872. GRACE PERIOD AND TERMINATION FOR NON-PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE (PART B) PREMIUMS FOR INSURED PERSONS

Legal Authority: 42 USC 1395j; 42 USC 1395q; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 408.8; 42 CFR 408.63; 42 CFR 408.47; 42 CFR 408.50

Legal Deadline: None

Abstract: Under current rules, individuals who do not pay their Part B premiums will have their coverage terminated after a grace period that allows several months lateness. The grace period for individuals eligible for monthly social security cash payments is different from that of uninsured individuals. This proposed rule would allow a uniform 3-month grace period to treat all individuals identically.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Boerschel, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5941

RIN: 0938–AD97

873. PAYMENT FOR COVERED OUTPATIENT DRUGS

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(1)(M); 42 USC 1395m(c); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 414

Legal Deadline: None

Abstract: Under this proposed rule, Medicare will pay for covered outpatient drugs subject to the catastrophic drug deductible amount. The amounts payable will equal a payment percent of the lesser of the actual charge for a drug or an applicable payment limit for non-multiple source drugs and multiple source drugs with restrictive prescriptions and a payment limit for multiple source drugs without restrictive prescriptions.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37208
NPRM Comment Period End	11/06/89	54 FR 37208
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janice Flaherty, Chief, Alter. Del. Syst. Reimbur. Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4574

RIN: 0938–AD99

874. PAYMENT FOR HOME INTRAVENOUS DRUG THERAPY SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1395m(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 414

Legal Deadline: Other, Statutory, January 1, 1990.

Abstract: This proposed rule sets for the methodology for payment for home intravenous drug therapy services. Payment for these services and medicare is made at the lower of the charges or a fee schedule amount. This proposed rule also establishes a per diem fee schedule for home intravenous drug therapy services and allowances that would be added to the fee schedule to cover special costs associated with those services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles Spalding, Chief, Pharma. & Medical Services Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4496

RIN: 0938–AE00

875. WITHDRAWAL OF COVERAGE OF SEAT LIFT CHAIRS

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302

CFR Citation: 42 CFR 405.310(k)

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw

Medicare coverage for seat lift chairs as durable medical equipment.

Timetable:

Action	Date	FR Cite
Proposed Notice	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE05

876. PARTICIPATION AGREEMENTS FOR PHARMACIES

Legal Authority: 42 USC 1395(u)(o); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 490; 42 CFR 494.2

Legal Deadline: None

Abstract: This proposed rule would implement those sections of Pub. L. 100-360 that set forth requirements for pharmacies wishing to participate in Medicare as suppliers of covered outpatient drugs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE08

877. CONDITIONS OF PARTICIPATION FOR HOME INTRAVENOUS DRUG THERAPY PROVIDERS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(jj)(3); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 485 Subpart C

Legal Deadline: None

Abstract: In order to participate as a home IV drug provider under Medicare an entity must meet a number of specific requirements that are necessary in the interest of the health and safety of beneficiaries who receive home IV drug services.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37220
NPRM Comment Period End	11/06/89	54 FR 37220
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE09

878. OUTPATIENT PRESCRIPTION DRUGS: LIST OF COVERED HOME IV DRUGS

Significance: Agency Priority

Legal Authority: 42 USC 1395x(t)(4); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: This final notice announces the home IV drugs that will be covered under Medicare.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/07/89	54 FR 37239
Proposed Notice Comment Period End	11/06/89	54 FR 37239
Final Notice	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE10

879. WITHDRAWAL OF COVERAGE OF EXTRACRANIAL-INTRACRANIAL ARTERIAL BYPASS SURGERY FOR THE TREATMENT OR PREVENTION OF STROKE

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage of extracranial-intracranial arterial bypass surgery when used to treat or prevent strokes.

Timetable:

Action	Date	FR Cite
Proposed Notice	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5316**

RIN: 0938–AE11

880. PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE

Legal Authority: 42 USC 1032; 42 USC 1396r(s)

CFR Citation: 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR 435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

Legal Deadline: None

Abstract: These proposed regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16) of the Family Support Act. P.L. 100-485 which allocates incomes and resources between a spouse who is institutionalized and the spouse remaining in the community. The revision would provide the community spouse with more adequate income for meeting living expenses.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: Undetermined

HHS—HCFA

Proposed Rule Stage

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4452**

RIN: 0938–AE12

881. CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES AND CARRIERS

Legal Authority: 42 USC 1395hh; 42 USC 1395u(b); 42 USC 1302

CFR Citation: 42 CFR 421.120; 42 CFR 421.122; 42 CFR 421.124; 42 CFR 421.201; 42 CFR 421.203

Legal Deadline: None

Abstract: This is a technical revision to Medicare regulations that will simplify and improve our system for evaluating the performance of fiscal intermediaries and carriers in the administration of the Medicare program. Currently, we evaluate intermediaries using performance criteria and standards issued through an annual notice in the Federal Register. We are clarifying the methodology for establishing these criteria and standards. We are also issuing requirements for the evaluation for carrier performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Barton, Chief, Operation Standards Branch, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 1-C-6 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7403**

RIN: 0938–AE15

882. INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396b(g)

CFR Citation: 42 CFR 456.651; 42 CFR 456.652; 42 CFR 456.654; 42 CFR 456.650

Legal Deadline: None

Abstract: This proposed rule would eliminate the requirement for States to make quarterly showings demonstrating that a State conducted annual onsite inspection of care in skilled nursing facilities or in intermediate care facilities. A quarterly showing to the Secretary of an effective program of medical review as demonstrated by a satisfactory utilization control program would be limited to inspection of care reviews in participating intermediate care facilities for the mentally retarded and mental hospitals. This rule would implement section 4212(d) (1) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elliot Naide, Chief, Utilization Control Branch, Department of Health and Human Services, Health Care Financing Administration, 2-H-1 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5920**

RIN: 0938–AE17

883. HMO FISCAL SOUNDNESS AND GROUP SPECIFIC RATING

Legal Authority: 42 USC 300e(c); 42 USC 300e-1(8)(C)

CFR Citation: 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This proposed regulation would set forth the circumstances under which the resources of an organization which owns or controls a health maintenance organization (HMO) would be considered for purposes of determining whether the HMO meets the fiscal soundness and insolvency protection requirements for federal qualification under title XIII of the Public Health Service Act. It also authorizes HMOs, with certain limitations, to fix their rates for specific groups based on the HMO's revenue requirements for providing services to the group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean LeMasurier, Program Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, 4406 Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C. 20201, **202 245-0070**

RIN: 0938–AE24

884. HMO ORGANIZATIONAL STRUCTURE AND SERVICES

Legal Authority: 42 USC 300e(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A)

CFR Citation: 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104

Legal Deadline: None

Abstract: This proposed regulation would provide organizations which operate health maintenance organizations (HMOs) which are federally qualified under Title XIII of the Public Health Service Act with greater flexibility in offering other health benefit plans in addition to their qualified HMO products. It would also authorize, with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean LeMasurier, Program Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4406, Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C., **202 245-0070**

RIN: 0938–AE25

885. HMO QUALIFICATION DETERMINATIONS

Legal Authority: 42 USC 300e(c); 42 USC 300e-1 note; 42 USC 300c-9

CFR Citation: 42 CFR 417.101; 42 CFR 417.107; 42 CFR 417.151; 42 CFR 417.157

Legal Deadline: None

Abstract: These proposed regulations would amend existing regulations to conform them to sections 5(b), 6(a), and 7 of Public Law 100-517, the Health

Maintenance Organization Amendments of 1988. Specifically, the proposal would: (a) require that employer contributions not financially discriminate against HMO enrollees; (b) repeal the requirement that employers, under certain circumstances, offer federally qualified HMOs to their employees (the "dual choice" requirement), effective October 24, 1995; and (c) include additional conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cathy Carter, Director, Office of Qualifications, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4332, Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C. 20201, **202 245-0780**

RIN: 0938–AE26

886. GENERAL PERFORMANCE STANDARDS FOR DRUG BILL PROCESSORS UNDER CONTRACT

Significance: Agency Priority

Legal Authority: 42 USC 1395u(f); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice contains proposed general standards to be used to evaluate the performance of entities under contract with HCFA to implement and operate an electronic bill processing and payment and information system for covered outpatient prescription drugs furnished to Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
General Notice With Comment Period	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Stewart Streimer, Director, Division of Operations Standards, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 1-C-5 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-7409**

RIN: 0938–AE27

887. CLINICAL LABORATORIES - CLIA '88 REQUIREMENTS

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263A; PL 100-578

CFR Citation: 42 CFR 74.1 to 74.61; 42 CFR 405.1310 to 405.1317; 42 CFR 482.27

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: Amendments to the Clinical Laboratory Improvement Act of 1988 (CLIA) require all clinical laboratories to be regulated regardless of their ownership, location or of how few tests they perform. This proposed rule would set forth provisions of CLIA '88 that are not self-implementing. (The self-implementing provisions are contained in the final regulation "Review of Current Rules Affecting Clinical Laboratories.") This rule would contain requirements for performance standards for laboratories not regulated under CLIA as of December 31, 1988, that may vary depending on the complexity of the testing and a provision that will allow some laboratories that perform only simple examinations and procedures that have a low risk of erroneous results, a waiver from the standards and inspections. The proposed rule will also contain the requirements that would address fees for certified laboratories as well as laboratories issued a certificate of waiver from standards and inspections. The fees would be charged to meet administrative costs, as well as the cost of onsite inspections and ongoing monitoring of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-6763**

RIN: 0938–AE28

888. ● "CONFINED TO THE HOME" REQUIREMENTS FOR HOME HEALTH SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395x(n) and (o); 42 USC 1395hh

CFR Citation: 42 CFR 409.42

Legal Deadline: None

Abstract: This proposed rule would clarify when a home health patient would be considered "confined to the home" in order to receive home health benefits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Division of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE34

889. ● PAYMENT ADJUSTMENTS FOR HOSPITALS THAT SERVE A DISPROPORTIONATE NUMBER OF LOW-INCOME PATIENTS

Legal Authority: 42 USC 1302; 42 USC 1396a; 42 USC 1396r-4

CFR Citation: 42 CFR 412; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This rule would establish the requirements and options for Medicaid payments to hospitals that serve a disproportionate number of low-income patients with special needs. The Medicaid agency would be required to make payment adjustments to these hospitals when such hospitals have met specified conditions. The rule would also simplify and clarify the rules that apply to these hospitals under the Medicare program, some of which are incorporated by reference in the Medicaid rules.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Bernard Truffer, Chief, Special Reimbursement Programs, Branch, Department of Health and Human Services, Health Care Financing Administration, 1 - A - 3 ELR, 6325 Security Boulevard, Baltimre, MD 21207, **301 966-4576**

RIN: 0938–AE35

890. ● MEDICAID MANAGEMENT INFORMATION SYSTEM (MMIS) PERFORMANCE REVIEW, NOTIFICATION PROCEDURES FOR CHANGES

Legal Authority: 42 USC 1302; 42 USC 1320b-7; 42 USC 1396(a)(a)(4); 42 USC 1396(a)25; 42 USC 1396(a)45; 42 USC 1396(b)(a)(3); 42 USC 1396b(d)(2); 42 USC 1396b(d)(5); 42 USC 1396b(o); 42 USC 1396b(p); 42 USC 1396b(r); 42 USC 1396k

CFR Citation: 42 CFR 433.123

Legal Deadline: None

Abstract: This proposal would eliminate the requirement that HCFA publish in the Federal Register a proposed notice with opportunity for public comment and then a fiscal notice for any changes in MMIS requirements, performance standards and other conditions for approval and reapproval. Instead we would use well established communication arrangements under which States provide input during the development of revisions, and we issue revised manual instructions well in advance of implementation changes. This change will increase the efficiency of the administrative process by eliminating lengthy time frames associated with a formal notice and comment procedure thus allowing an expeditious means of developing and communicating changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard Friedman, Acting Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Room 273 EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AE36

891. ● HOME HEALTH AGENCIES: DEFINITIONS OF "INTERMITTENT" AND "PART-TIME" NURSING CARE AND HOME HEALTH AIDE SERVICES

Legal Authority: 42 USC 1395x

CFR Citation: 42 CFR 409.41; 42 CFR 409.42

Legal Deadline: None

Abstract: This proposed rule would define the terms "intermittent" and "part-time" nursing care and or home health aide services furnished to a medicare patient by a home health agency. The rule would revise current medicare regulations and conform them to changes made by section job of the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE37

892. ● MEDICAID PAYMENT OF MEDICARE COST SHARING FOR QUALIFIED MEDICARE BENEFICIARIES

Legal Authority: 42 USC 1396a(a)(10)(E); Clause VIII of the matter following 42 USC 1396a(a)(10)(E); 42 USC 1396a(e)(8); 42 USC 1396a(m)(4); 42 USC 1396a(n); 42 USC 1396b(f)(4); 42 USC 1396d(a); 42 USC 1396d(p)

CFR Citation: 42 CFR 431.625; 42 CFR 435; 42 CFR 436; 42 CFR 441.256; 42 CFR 447.600 to 447.620; 42 CFR 447.51; 42 CFR 447.53

Legal Deadline: None

Abstract: These rules would propose to require States to include in Their State plans payment of Medicare cost-sharing for low income Medicare beneficiaries, Qualified Medicare Beneficiaries (QMB). The territories have the option to do the same. We would define cost-sharing, specify criteria for determining QMB status, propose requirements and options for payment amounts and limitations, and provide for Federal financial participation in State payments for Medicare cost-sharing on behalf of QMBs. The changes would implement provisions of the Medicare Catastrophic Coverage Act of 1988 as modified by the Family Support Act of 1988 and the Technical and Miscellaneous Revenue Act of 1988. Under the above legislation. These provisions went into effect January 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director Division of Medicaid Eligibility, Policy DHHS HCFA, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg, 6325 security Blvd, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AE38

893. ● SURVEY OF HOME HEALTH AGENCIES (HHAS) AND ALTERNATIVE SANCTIONS FOR HHAS AND PROVIDERS OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Legal Authority: 42 USC 1302; 42 USC 1395w-2; 42 USC 1395bbb

CFR Citation: 42 CFR 442; 42 CFR 488; 42 CFR 489; 42 CFR 498

Legal Deadline: None

Abstract: These rules would establish requirements for periodic, unannounced surveys of home health agencies, and specify a number of sanctions that could be used, when a home health agency or a provider of home intravenous drug therapy services is out of compliance with Federal requirements, as an alternative to terminating their participation in the Medicare program.

HHS—HCFA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Irene Gibson, Chief, Survey & Certification Procedures, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East, 6300 Security Boulevard, Baltimore, MD 21207, **301 966-6768**

RIN: 0938–AE39

894. ● HOSPITAL STANDARD FOR HIV INFECTIOUS BLOOD

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would require hospitals or blood banks providing services to hospitals to notify either each recipient or each recipient's physician when potentially HIV infectious blood has been administered, and to offer each recipient counseling and testing.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-5660**

RIN: 0938–AE40

895. ● ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK RULES AND MEMBERSHIP ACTIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 482; 42 CFR 485

Legal Deadline: None

Abstract: This notice states that no rule of the Organ Procurement and Transplantation Network (OPTN) is mandatory or binding on Medicare and Medicaid hospitals or Organ Procurement Organizations (OPOs) unless the secretary, HHS has formally approved the rule and it has been published in the Federal Register, prior to its effective date.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Division of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489 EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4637**

RIN: 0938–AE42

896. ● COVERAGE OF CATASTROPHIC PART B EXPENSES FOR BENEFICIARIES ENROLLED IN PREPAID HEALTH CARE ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1395l(c); 42 USC 1395hh

CFR Citation: 42 CFR 417.401; 42 CFR 417.417; 42 CFR 417.420; 42 CFR 417.428; 42 CFR 417.436; 42 CFR 417.447; 42 CFR 417.452; 42 CFR 417.454; 42 CFR 417.456; 42 CFR 417.479; 42 CFR 417.532; 42 CFR 417.572; 42 CFR 417.594; 42 CFR 417.800; 42 CFR 417.801; ...

Legal Deadline: None

Abstract: These proposed rules would revise current Medicare regulations relating to beneficiaries enrolled in health maintenance organizations (HMOs), competitive medical plans (CMPs), and health care prepayment plans (HCPPs). This rule would implement a statutory limit on beneficiary out-of-pocket cost sharing expenses for services covered under Part B for beneficiaries enrolled in HMOs, CMPs, and HCPPs and would establish rules for calculating the out-of-pocket expenses incurred by such beneficiaries while they are enrolled in these organizations. The proposed rule would also specify the responsibilities of certain of these organizations to maintain an accounting of expenses incurred by Medicare enrollees, and provide procedures for treatment of out-of-pocket expense after the catastrophic limit amount is reached.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jean LeMasurier, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, 4406 Cohen Bldg, 330 Independence Avenue, SW, Washington, DC 20201, **202 245-0070**

RIN: 0938–AE43

897. ● HOME AND COMMUNITY BASED SERVICES WAIVERS FOR DRUG DEPENDENT OR AIDS INFECTED CHILDREN

Legal Authority: 42 USC 1396n(e)

CFR Citation: 42 CFR 441(Revision)

Legal Deadline: None

Abstract: This rule proposes to permit States to offer, under a waiver program an array of services to drug dependent children or children who test positive or infected with the etiologic agent for acquired immune deficiency syndrome (AIDS). Such drug dependent or AIDS-infected children's waivers, as authorized by section 411(k)(17) of the Medicare Catastrophic Coverage Act of 1988, allow Federal payment for the provision of noninstitutional services to those children if they are under 5 years of age and for whom adoption or foster care assistance is (or will be) made available under Part E of Title IV of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AE44

HHS—HCFA

Proposed Rule Stage

898. ● COLLECTION OF PAST-DUE AMOUNTS OWED BY INDIVIDUALS WHO BREACHED CONTRACTS UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Legal Authority: 42 USC 1302; 42 USC 1395ccc; 42 USC 1395hh

CFR Citation: 42 CFR 405.384

Legal Deadline: None

Abstract: This proposed rule sets forth the procedures to be followed for collection of past due amounts owed by individuals who breached contracts under the National Health Service Corps Scholarship program. The regulation would implement section 4052 of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
Proposed Notice	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marvin Dunkleberger, Division of Overpayment Prevention, Performance Monitoring Branch, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd, Baltimore, MD 21207, **301 966-7519**

RIN: 0938–AE45

899. ● DRUG DEDUCTIBLE AND RESPITE CARE FOR PREPAID PLAN ENROLLEES

Significance: Agency Priority

Legal Authority: 42 USC 1395m(c); 42 USC 1395k(a); 42 USC 1395l(c); 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: This rule proposes the manner in which we would implement several provisions of the medicare Catastrophic Coverage Act of 1988 for enrollees of prepaid health care plans. Specifically, we would describe how drug deductible expenses are treated and how the new Part B benefit of in-home respite care applies for these enrollees.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jean LeMasurier, Program Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4406 Cohen Bldg, 330 Independence Ave SW, Washington, DC 20201, **202 225-0070**

RIN: 0938–AE46

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Health Care Financing Administration (HCFA)

900. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b(a)(3); 42 USC 1396b(r)

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None

Abstract: This rule will change the definition of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System or for changes to the system.

Timetable:

Action	Date	FR Cite
NPRM	08/11/88	53 FR 30317
NPRM Comment Period End	10/11/88	53 FR 30317
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard H. Friedman, Acting Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Procedures, 233 EHR, 6305 Security Boulevard, Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AA63

901. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1302; 42 USC 1396a(e)(2); 42 USC 1396b(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None

Abstract: This rule revises current Medicaid rules to reflect statutory authority of the Secretary (1) to permit certain health maintenance organizations (HMOs) to exceed the composition of enrollment limit, (2) to allow certain organizations that might not otherwise be permitted to do so, to contract on a risk basis, (3) to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement to Medicaid, and (4) to give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations to incorporate authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/12/88	53 FR 744
NPRM Comment Period End	03/14/88	53 FR 744
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert E. Wren, Office Director, Department of Health

and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AB54

902. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(c)(3)(A)(ii); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: These regulations will implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold a single coordinated open enrollment period for Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21696
NPRM Comment Period End	08/08/88	52 FR 21697
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4637**

RIN: 0938–AB57

903. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a)(2); 42 USC 1395hh; 42 USC 1395x(b); 42 USC 1395x(v)(1)(C); 42 USC 1395x(v)(1)(D); 42 USC 1395k(a)(2)(B)(i); 42 USC 1395u(b)(7)

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations will implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching physician and services furnished to the provider, as well as the method of reimbursement for these services. This rule sets forth the conditions under which physicians in teaching settings will be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule will also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5946
NPRM Comment Period End	04/10/89	54 FR 5946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB61

904. MEDICARE/MEDICAID REVALUATION OF ASSETS

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B)

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 413.153; 42 CFR 447.250; 42 CFR 447.253; 42 CFR 447.272

Legal Deadline: None

Abstract: This final rule implements changes to the regulations as required by section 2314 of Pub. L. 98-369 and sections 9110 and 9509 of Pub. L. 99-272. This rule imposes new limitation on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes will affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39927
NPRM Comment Period End	12/28/87	52 FR 39927
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AB64

905. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72

Legal Deadline: None

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Rees, Branch Chief, Payment Determination Policy

Branch, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4536**

RIN: 0938–AB71

906. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None

Abstract: This final rule revises the regulations governing the Medicaid eligibility quality control (MEQC) program to include more specified program requirements and to establish new time frames for completing and reporting MEQC case findings to HCFA. The final rule also establishes a performance-based threshold for States to meet before HCFA will consider good faith waiver requests of disallowance of Federal financial participation in erroneous Medicaid payments and provides more definitive criteria for evaluating States' good faith efforts to meet the national standard error rate. In addition, the rule makes several technical changes and specifies that States may rebut their quarterly projected error rates when they can present evidence that the projected rates were based on erroneous data. The revisions will strengthen the MEQC program and provide flexibility and incentives to States to produce more accurate Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Randolph Graydon, Director, Division of Program Performance, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3294**

RIN: 0938–AB85

907. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263a; PL 100-578

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27; 42 CFR 74

Legal Deadline: None

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. One consequence is that the quality of laboratories' services is adjudged using different standards. Inconsistent standards not only create confusion regarding necessary performance levels, but may permit laboratories with substandard performance to continue furnishing covered services. This rule will amend the requirements to improve the quality of laboratory services. It will provide recognition of new technologies in laboratory quality assurance, refine outcome measures of performance and include personnel standards that take into account accepted management and testing practices that contribute to the quality of laboratory services. Also, this rule will provide consistent criteria for an effective proficiency testing program for Medicare, Medicaid, and CLIA laboratories.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29590
NPRM Comment Period End	11/03/88	53 FR 29590
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6325 Security Blvd., Baltimore, MD 21207, **301 966-6763**

RIN: 0938–AB96

908. MEDICARE SECONDARY PAYER AND MEDICARE RECOVERY AGAINST THIRD PARTIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None

Abstract: This rule revises regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payer cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. It also clarifies rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. It would include the changes pertaining to Medicare conditional payments for ESRD beneficiaries made by section 4036(a) of the Omnibus Budget Reconciliation Act of 1987. It would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan, or under no-fault or liability insurance. It would make Medicare secondary to all kinds of no-fault insurance, not just automobile no-fault insurance.

Timetable:

Action	Date	FR Cite
NPRM	06/15/88	53 FR 22335
NPRM Comment Period End	08/15/88	
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 323

EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4474**

RIN: 0938–AC05

909. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.310(a); 42 CFR 405.310(e); 42 CFR 405.310(k); 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.32; 42 CFR 410.63

Legal Deadline: None

Abstract: This final rule implements section 2323 of P.L 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The final rule would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34244
NPRM Comment Period End	11/09/87	52 FR 34244
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AC07

910. CHANGES IN PAYMENT POLICY FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww(h); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85; 42 CFR 413.86; 42 CFR 413.170

Legal Deadline: None

Abstract: This rule will set forth changes in Medicare Policy concerning payment for direct graduate medical education costs of providers associated with approved residency programs. These changes are necessary in order to implement section 1886(h) of the Social Security Act which was added by section 9202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended by section 9314 of the Omnibus Budget Reconciliation Act of 1986. The changes in this rule are effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36589
NPRM Comment Period End	11/21/88	
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Barbara Wynn, Director, Div. of Hospital Payment Policy, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4529**

RIN: 0938–AC27

911. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a); 42 USC 1302

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 436.541

Legal Deadline: None

Abstract: These regulations make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations incorporate the conditions under which the State agency must make independent determinations of disability and the effect of determination by SSA of disability for purposes of establishing Medicaid eligibility. The regulations also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to similar provisions used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47414
NPRM Comment Period End	02/12/88	52 FR 47414
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AC31

912. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None

Abstract: This final rule amends and clarifies the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule amends and clarifies the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22028
NPRM Comment Period End	08/12/88	53 FR 22028
Final Action	00/00/00	

Small Entities Affected: Businesses

HHS—HCFA

Final Rule Stage

Government Levels Affected: Local, State

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4529**

RIN: 0938–AC40

---

913. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1396n(c)

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.185; 42 CFR 440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this rule would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC55

---

914. PAYMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES AND OTHER PHYSICIAN SERVICES FOR ESRD PATIENTS

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405; 42 CFR 413; 42 CFR 414

Legal Deadline: None

Abstract: This rule is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of payment for physician's dialysis services. We also are clarifying and modifying some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services paid for under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37176
NPRM Comment Period End	12/04/87	52 FR 37176
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4569**

RIN: 0938–AC57

---

915. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.1903; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.53; 42 CFR 1001.202; 42 CFR 1001.203; 42 CFR 1001.211; 42 CFR 1001.221; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; ...

Legal Deadline: None

Abstract: This final rule will implement sections 9121 and 9122 of PL 99-272 as amended by PL 100-203. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 233 of PL 99-576, which requires Medicare hospitals to admit veterans. They will also implement section 9305(b)(1) of PL 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC58

---

916. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21; 42 CFR 447.45

Legal Deadline: Final, Statutory, October 7, 1986.
Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be published within 6 months after date of enactment.

Abstract: This rule implements, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan

requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sue Knefley, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Third Party Liability Branch, 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3396**

RIN: 0938–AC64

917. MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(10(A)(i)(II); 42 USC 1396a(o); 42 USC 1396d(q); 42 USC 1382h; 42 USC 1382h note; 42 USC 1396a note

CFR Citation: 42 CFR 435.120; 42 CFR 435.121; 42 CFR 435.725; 42 CFR 435.733

Legal Deadline: None

Abstract: This final rule amends the Medicaid regulations to specify for Medicaid, mandatory categorically needy eligibility for individuals who, although severely impaired, work and demonstrate ability to perform substantial gainful activity and who are considered to be Supplemental Security Income (SSI) beneficiaries by virtue of Section 1619 of the Social Security Act. It also specifies how States electing the option under Section 1902(f) of the Social Security Act to provide Medicaid under criteria more restrictive than SSI, will treat the "1619" individuals. It also specifies how SSI payments made to certain institutionalized individuals are to be disregarded as income under Medicaid for up to two months. The amendments conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1986 and the Employment Opportunities for Disabled.

Timetable:

Action	Date	FR Cite
NPRM	05/04/88	53 FR 15857
NPRM Comment Period End	07/05/88	53 FR 15857
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AC82

918. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); PL 99-272, Sec 9403; PL 99-509, Sec 9353(c); PL 100-203, Sec 4096(a)(1)(A)

CFR Citation: 42 CFR 462.105; 42 CFR 466.70; 42 CFR 466.74; 42 CFR 466.83; 42 CFR 466.88; 42 CFR 466.93; 42 CFR 466.94; 42 CFR 466.98; 42 CFR 466.100; 42 CFR 466.106; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 476.133; 42 CFR 489.21; ...

Legal Deadline: None

Abstract: The purpose of this final rule is to implement section 9403 of PL 99-272, 9353(c) of PL 99-509,and section 4096(a)(1)(A) of PL 100-203. Under section 9403 of PL 99-272, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. The PRO determinations to deny Medicare payment for these services will be made on the basis of criteria that are consistent with guidelines established by the Secretary. Under section 9353(c) of PL 99-509, PROs will conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care. Under PL 100-203 beneficiaries are protected from liability for the cost of physician services where payment is denied because services were of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	54 FR 1956
NPRM Comment Period End	03/20/89	54 FR 1956
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6880**

RIN: 0938–AC84

919. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS, INTEREST RATES CHARGED ON OVERPAYMENTS AND UNDERPAYMENTS, AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE

Legal Authority: 42 USC 1320b-4; 42 USC 1395g; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302; 42 USC 1395l

CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 405.376; 42 CFR 413.5(c)(3)

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and

endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (3) extension of the list of exceptions to the interest expense/investment income offset provision to include investment income from deferred compensation plans and self-insurance funds; and (4) permitting interest on overpayments and underpayments to be assessed at the higher of the private consumer rate or the current value of funds rate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AC99

920. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY

Significance: Regulatory Program

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 400.200; 42 CFR 400.202; 42 CFR 405.380; 42 CFR 405.381; 42 CFR 405.382; 42 CFR 405.383

Legal Deadline: None

Abstract: The rule will establish in regulations generally applicable standards and procedures for determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this rule is to assure that Federal funds are expended only for medical services that are covered under the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4302
NPRM Comment Period End	03/31/89	54 FR 4302
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-5316**

RIN: 0938–AD07

921. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY

Legal Authority: 42 USC 1395x(s)(2)(J); 42 USC 1302

CFR Citation: 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.31

Legal Deadline: None

Abstract: This rule will implement section 9335(c) of Pub.L. 99-509 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare Part B coverage of drugs or biologicals that can be self-administered. The regulations will be amended to reflect the new statutory requirement. The final regulation will also implement section 4075 of P.L. 100-203, which expanded coverage from "immunosuppressive drugs" to "prescription drugs used in immunosuppressive therapy."

Timetable:

Action	Date	FR Cite
NPRM	01/19/88	53 FR 1383
NPRM Comment Period End	03/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AD09

922. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1312; 42 CFR 482.21; 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 482.27; 42 CFR 482.43

Legal Deadline: None

Abstract: These revisions will (a) require hospitals to provide a discharge planning process; and (b) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions will conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AD11

923. ● REQUIREMENTS FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(j); 42 USC 1396a(a)(28); 42 USC 1396d(c); 42 USC 1302; 42 USC 1395hh; 42 USC 1395i-3; 42 USC 1396r

CFR Citation: 42 CFR 442.1; 42 CFR 442.30; 42 CFR 442.100; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442.300 to 442.346; 42 CFR 442.250 to 442.254; 42 CFR 483.1 to 483.75

Legal Deadline: None

HHS—HCFA **Final Rule Stage**

Abstract: A sizable number of commenters offered their views on our final rule published February 2, 1989, (54 FR 5316). These rules would incorporate any changes made as a result of evaluating these comments. We also make several minor technical corrections to terminology and cross-references to existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38582
NPRM Comment Period End	01/14/88	52 FR 38582
Final Rule W/Comment Period	02/02/89	54 FR 5316
Comment Period End	05/03/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD12

924. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417.413; 42 CFR 417.428; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.640; 42 CFR 417.494; 42 CFR 417.444; 42 CFR 417.597

Legal Deadline: None

Abstract: This rule revises Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; require HMOs/CMPs to provide additional information to Medicare beneficiaries and annual notice of HMP/CMP enrollees' rights; add a provision to terminate a contract for noncompliance with the composition of enrollment standard requiring that no more than 50 percent of an organization's membership be comprised of Medicare or Medicaid enrollees, and authorize sanctions when organizations fail to comply with the 50/50 rule or the terms of waivers or exceptions to that rule.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27718
NPRM Comment Period End	09/20/88	53 FR 27718
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Joan Mahanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4642**

RIN: 0938–AD14

925. ELIGIBILITY OF ALIENS FOR MEDICAID

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201; PL 99-509, Sec 9406

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 436.128; 42 CFR 436.406; 42 CFR 436.408; 42 CFR 436.2; 42 CFR 440.255; 42 CFR 435.139; 42 CFR 435.406; 42 CFR 435.408; 42 CFR 435.1; 42 CFR 435.3; 42 CFR 436.128; ...

Legal Deadline: None

Abstract: This rule revises Medicaid regulations applicable for aliens who meet eligibility requirements as categorically needy or medically needy. It establishes in the regulations that aliens lawfully admitted for permanent residence or permanently residing in the United States under color of law may be eligible for all Medicaid services. It also identifies those aliens who may be eligible only for limited services.

Timetable:

Action	Date	FR Cite
NPRM	09/29/88	53 FR 38032
NPRM Comment Period End	11/28/88	53 FR 38032
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD15

926. MEDICAID: ELIGIBILITY GROUPS, EXTENDED COVERAGE OF SERVICES, AND CONDITIONS OF ELIGIBILITY: OBRA '87, COBRA, AND TEFRA

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396d(a); 42 USC 1396k(a); 42 USC 1396s; 42 USC 1383c; 42 USC 673; 42 USC 675; 42 USC 672; 42 USC 1396a(a)(25)(B); 42 USC 1396a(e)(3)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule will amend the Medicaid regulations to incorporate numerous eligibility groups for Medicaid coverage: pregnant women; children in adoption and foster care; certain disabled widows and widowers; certain disabled children being cared for at home; and qualified children. The rule will also provide for extended care for pregnant women after termination of pregnancy and add a condition of eligibility relating to third party liability. The amendments will conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1987, the Consolidated Omnibus Budget Reconciliation Act of 1985, and the Tax Equity and Fiscal Responsibility Act of 1982. States have been informed that these provisions of the statute are self-implementing. Manual instructions containing procedures for States to implement the requirements have been issued.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7798
NPRM Comment Period End	04/24/89	54 FR 7798
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD16

HHS—HCFA

Final Rule Stage

927. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS

Legal Authority: 42 USC 1395x(s)(ll); 42 USC 1395l(l); 42 USC 1395x(bb)

CFR Citation: 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

Legal Deadline: None

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount will be equal to the least of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index), 80 percent of the prevailing charge for an anesthesiologist; or 80 percent of the actual charge. CRNAs will be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician could bill for and receive payment for services of CRNAs where an employment relationship or contract so stipulates. The hospital or physician could not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3803
NPRM Comment Period End	03/27/89	54 FR 3803
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4497**

RIN: 0938–AD25

928. WITHDRAWAL OF COVERAGE OF SINGLE PHOTON ABSORPTIOMETRY AND RADIOGRAPHIC ABSORPTIOMETRY AND CONTINUED NONCOVERAGE OF DUAL PHOTON ABSORPTIOMETRY

Legal Authority: 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage (including coverage under the End-Stage Renal Disease (ESRD) program) for single photon absorptiometry and radiographic absorptiometry for measuring bone mineral density for either diagnostic or treatment purposes, and to continue noncoverage of dual photon absorptiometry.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/08/88	53 FR 34898
Public Comment Period End	11/07/88	53 FR 34898
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issue Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5316**

RIN: 0938–AD28

929. MODIFICATION OF CERTAIN REQUIREMENTS FOR HEALTH INSURING ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1396b(m)(2)(A); PL 99-272, Sec 9517(c); PL 99-514, Sec 1895(c)(4); PL 99-509, Sec 9435(e)

CFR Citation: 42 CFR 434.14; 42 CFR 434.20; 42 CFR 434.40; 42 CFR 434.42; 42 CFR 434.44; 42 CFR 434.2

Legal Deadline: None

Abstract: The final rule will describe the conditions under which a Health Insuring Organization (HIO) is subject to certain Medicaid Health Maintenance Organization (HMO) regulations. It would require that an HIO which becomes operational on or after January 1, 1986 and arranges for the delivery of services to recipients be subject to HMO requirements. The regulations would specify that exemptions from certain HMO requirements are permitted for HIOs which began operations on or after January 1, 1986 if the HIOs obtained a section 1915(b) waiver prior to that date, or if an HIO is otherwise identified in the law. The exemptions which are based on section 1915(b) waivers last only until the expiration of the waiver.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32406
NPRM Comment Period End	10/24/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5661**

RIN: 0938–AD31

930. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES

Legal Authority: 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g); 42 USC 1395x(w)(1)

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed $2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3), of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-4607

RIN: 0938–AD33

931. PHYSICIAN LIABILITY ON NON-ASSIGNED CLAIMS

Legal Authority: PL 99-509, Sec 9332; 42 USC 1395u; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.339

Legal Deadline: None

Abstract: This regulation implements Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 under which nonparticipating physicians who provide, on an unassigned basis, services which are determined to be medically unnecessary are required to refund to the beneficiary any amounts collected for such services. Exceptions to the refund requirement will be granted only if the physician did not know and could not reasonably have been expected to know that the service was not covered, or if the beneficiary, after being informed that Medicare will not pay for the service, agrees to pay.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53025
NPRM Comment Period End	02/28/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elmer Smith, Director, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 400 EHR, 6325 Security Blvd., Baltimore, MD. 21207, 301 966-5648

RIN: 0938–AD34

932. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS

Legal Authority: 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30); 42 USC 1395cc(a)

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 41 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93; ...

Legal Deadline: None

Abstract: This rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Omnibus Budget Reconciliation Act of 1986. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program. The rule also sets forth the policy for reimbursement of costs incurred by hospitals for photocopying medical records needed by PROs during offsite reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Husk, Director, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bdlg., 6325 Security Blvd., Baltimore, MD. 21207, 301 966-6850

RIN: 0938–AD38

933. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATE METHODOLOGY

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F); 42 USC 1302

CFR Citation: 42 CFR 416.130

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: We will state the methodology used to determine the payment amounts for ambulatory surgical services and update payment rates, effective July 1, 1988.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/18/88	53 FR 31468
Public Comment Period End	10/17/88	53 FR 31468
Final Notice	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4487

RIN: 0938–AD44

934. HOME HEALTH AGENCIES: CONDITIONS OF PARTICIPATION AND REDUCTION IN RECORDKEEPING REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395bbb

CFR Citation: 42 CFR 484

Legal Deadline: Final, Statutory, October 1, 1988.
Minimum standards for home health aide training and competency evaluation programs must, pursuant to P.L. 100-203, be established by October 1, 1988.

Abstract: These regulations specify requirements for home health agencies for: protecting and promoting patient rights; training and competency of home health aides; notifying State entities responsible for the licensing or certification of HHAs of changes in ownership, managing employees, and managing organizations; including an individual's plan of care as part of the individual's clinical records; and operating and furnishing services in compliance with accepted professional standards and principles that apply to professionals furnishing home health services.

Timetable:

Action	Date	FR Cite
Effective Date	07/01/89	
Final With Comment Period	08/14/89	54 FR 33354
Comment Period End	10/13/89	54 FR 33354
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of Provider Services and Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, 301 966-4607

RIN: 0938–AD45

935. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 412; 42 CFR 413

Legal Deadline: None

Abstract: This final rule makes revisions to the inpatient hospital prospective payment system based on responses to comments received concerning changes made by Pub.L. 100-360 that are applicable to discharges during FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19498
NPRM Comment Period End	07/26/88	53 FR 19498
Final Action with comments	09/30/88	53 FR 38476
Final Action generally effective	10/01/88	53 FR 38476
Final Action Public Comment Period End	11/29/88	53 FR 38476
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Barbara Wynn, Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4529

RIN: 0938–AD49

936. PROTOCOL FOR THE REUSE OF DIALYSIS BLOODLINES

Legal Authority: 42 USC 1395rr(a)(7); 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395x; 42 USC 1395y(a)

CFR Citation: 42 CFR 405.2150(d)

Legal Deadline: None
While the Secretary is not required to publish a regulation, ESRD facilities will not otherwise be permitted to re-use bloodlines after June 30, 1988.

Abstract: This rule would establish standards for safe and effective reuse of bloodlines. The statute forbids ESRD facilities to reuse bloodlines beginning July 1, 1988, unless the Secretary has established and the facilities follow accepted protocols for their reuse. The protocols would be incorporated into conditions of coverage.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28236
NPRM Comment Period End	09/26/88	53 FR 28236
Final Action	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Rita McGrath, Chief, Alternate Delivery Organization Branch, Department of Health and Human Services, Health Care Financing Administration, Room 469 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4635

RIN: 0938–AD52

937. ● FEE SCHEDULES FOR RADIOLOGIST SERVICES

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(1)(J); 42 USC 1395m(b); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4049

CFR Citation: 42 CFR 405.501; 42 CFR 405.520; 42 CFR 405.532; 42 CFR 405.533; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.554; 42 CFR 405.555

Legal Deadline: NPRM, Statutory, August 1, 1988.
Effective for services performed on or after 01/01/89.

Abstract: As a result of provisions included in section 4049 of PL 100-203, we are setting forth a fee schedule for radiology services furnished by a board-certified or board eligible radiologist or by a physician whose charges for radiology services account for 50 percent or more of his or her total Medicare charges. These physicians will be paid at 80 percent of the lower of the actual charges or the appropriate fee schedule amount. The fee schedule amount for a nonparticipating physician will be 95 percent of the amount applicable to a participating physician. In addition, a nonparticipating physician's charges to beneficiaries will be capped. The proposed fee schedule will result in overall payment to physicians for radiology of 3 percent less than would have occurred without a fee schedule. The fee schedule will be updated annually in accordance with the annual increase in the Medicare Economic Index.

Timetable:

Action	Date	FR Cite
Interim Rule with Comment Period	03/02/89	54 FR 8994
Effective date	04/01/89	
Comment Period End	05/01/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5, ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938–AD62

938. UNIFORM RELATIVE VALUE GUIDE FOR ANESTHESIA SERVICES FURNISHED BY PHYSICIANS

Legal Authority: PL 100-203, Sec 4048(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395u(b)(13)

CFR Citation: 42 CFR 405.553

Legal Deadline: Final, Statutory, January 1, 1989.
Under section 4048(b) of PL 100-203 the relative value guide is to be used for physician anesthesia services furnished on or after 01/01/89.

Abstract: This final rule will establish a relative value guide for use in all carrier localities in making payment for anesthesia services furnished by physicians under Medicare Part B. This rule will implement section 4048(b) of PL 100-203. The proposed relative value guide is designed to ensure that payments using the guide do not exceed

the amount that would have been made under the current payment system. Although the statute requires that the uniform relative value guide be effective for services furnished on or after January 1, 1989, we are delaying the effective date until March 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3794
NPRM Comment Period End	02/27/89	54 FR 3794
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD63

939. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395m(a); 42 USC 1395x(n)

CFR Citation: 42 CFR 405.502; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.224; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.230; 42 CFR 410.36; 42 CFR 410.38; 42 CFR 414.232

Legal Deadline: None

Abstract: This final rule with comment period implements section 4062 of Pub. Law No. 100-203. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices as required by section 4062 of Pub. Law No. 100-203. The new payment rates are to be effective for items provided on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Final with comment period	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director of Medical Services Reimbursement, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD65

940. INHERENT REASONABLENESS FOR HOME DIALYSIS SUPPLIES AND EQUIPMENT

Legal Authority: 42 USC 1395u(b)(8); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405

Legal Deadline: None

Abstract: This notice would establish a special reasonable charge payment limit for home dialysis equipment and supplies to prevent excessive payment for these items.

Timetable:

Action	Date	FR Cite
Proposed Notice	01/12/89	54 FR 1244
Comment Period Ends	03/13/89	
Final Notice	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bob Niemann, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div. of Dialysis & Transplant Payment Policy, 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4569**

RIN: 0938–AD74

941. PAYMENT FOR OUTPATIENT SURGERY AT EYE SPECIALTY HOSPITALS AND EYE AND EAR SPECIALTY HOSPITALS

Legal Authority: 42 USC 1395l(i)(3)(B)(ii); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.118

Legal Deadline: None

Abstract: In accordance with section 4068(a) of PL 100-203, we will revise the payment provisions concerning hospital outpatient services furnished in connection with ambulatory surgical procedures for certain qualified eye hospitals and eye and ear hospitals. For cost reporting periods beginning on or after October 1, 1988 and before October 1, 1990, the blended payment amount applicable to these hospitals remains at 75 percent of the hospital-specified amount and 25 percent of the ambulatory surgical center amount.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3818
NPRM Comment Period End	03/27/89	54 FR 3818
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD76

942. SWING-BED PROGRAM CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395tt

CFR Citation: 42 CFR 413; 42 CFR 424; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations revise the Medicare rules relating to approved swing-bed hospitals. They implement the provisions of Pub. L. 100-203 which expand the swing-bed program to rural hospitals with less than 100 beds. Payment for extended care services furnished by hospitals with 50-99 beds are subject to additional conditions.

Timetable:

Action	Date	FR Cite
Final With Comment Period	09/07/89	54 FR 37270
Effective Date	10/10/89	
Comment Period End	11/06/89	54 FR 37270
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325

Security Boulevard, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938–AD83

943. SECOND SURGICAL OPINION REQUIREMENTS FOR MEDICAID RECIPIENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A)

CFR Citation: 42 CFR 456.700; 42 CFR 456.703; 42 CFR 456.705; 42 CFR 456.707; 42 CFR 456.709; 42 CFR 456.711; 42 CFR 456.713; 42 CFR 456.715; 42 CFR 456.721; 42 CFR 456.723; 42 CFR 456.729

Legal Deadline: None

Abstract: These regulations require each Medicaid plan to include a program for second surgical opinions for certain surgical procedures. This program is aimed at preventing unnecessary surgery and improving patient awareness of all treatment options, where alternatives to surgery are available. These regulations cannot be published earlier than 180 days after the Secretary's submission of a report to Congress as required by OBRA 86. That report was submitted on June 16, 1989.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4646

RIN: 0938–AD86

944. CONFORMING AMENDMENTS RESULTING FROM THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Legal Authority: 42 USC 1395x(r); 42 USC 1395l; 42 USC 1395x(s); 42 USC 1395y; 42 USC 1395x(e); 42 USC 1395r; 42 USC 426; 42 USC 1396d; 42 USC 1396n; 42 USC 1396b; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 424; 42 CFR 430; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; ...

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self-executing provisions of the Omnibus Budget Reconciliation Act of 1987. They are needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language. Under the Medicare program's rules changes are made affecting: services of podiatrists; outpatient psychiatric services; SMI premiums; partial hospitalization; and comprehensive outpatient rehabilitative facility services. Under the Medicaid program changes are made affecting: services of dentists; clinic services; and waivers of certain State plan requirements. In additions, we make other conforming and transitional amendments.

Timetable:

Action	Date	FR Cite
Final rule with Comment Period	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418H Hubert H. Humphrey Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0343

RIN: 0938–AD92

945. CATASTROPHIC COVERAGE CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395e; 42 USC 1395f; 42 USC 1395i; 42 USC 1395r; 42 USC 1396a; 42 USC 1396d; 42 USC 1395v; 42 USC 1396b

CFR Citation: 42 CFR 400; 42 CFR 406; 42 CFR 407; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 418; 42 CFR 424; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 447; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self executing provisions of the Medicare Catastrophic Coverage Act of 1988 which: expand the scope of benefits under Medicare Part A; change the rules applicable to deductible and coinsurance; effect the determination and promulgation of Medicare Part A premiums; impose additional premiums for Medicare Part B; require Medicaid agencies to pay Medicare premiums deductibles and coinsurance on behalf of qualified Medicare beneficiaries and make other conforming and transitional amendments. They are needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language.

Timetable:

Action	Date	FR Cite
Final with comment period	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418H Hubert H. Humphrey Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0383

RIN: 0938–AD93

946. DIAGNOSIS CODES ON PHYSICIAN BILLS

Legal Authority: 42 USC 1395u(p); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

Legal Deadline: None

Abstract: We will require that each bill or request for payment for a service furnished by a physician under Medicare Part B must include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for which the Medicare beneficiary received care. This rule implements certain provisions of section 202(g) of Pub. L. 100-360.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30558
NPRM Comment Period End	09/19/89	54 FR 30558
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bart McCann, M.D., Special Assistant, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4628**

RIN: 0938–AE06

947. PHYSICIAN INVOLVEMENT IN PHYSICAL THERAPY AND SPEECH PATHOLOGY SERVICES

Legal Authority: PL 100-647, Sec 8424

CFR Citation: 42 CFR 405.1717; 42 CFR 405.1733; 42 CFR 424.25; 42 CFR 424.24

Legal Deadline: None

Abstract: This final rule implements section 8424 of the Technical and Miscellaneous Revenue Act of 1988, Pub. L. No. 100-647. It removes from Medicare conditions of participation the requirement that providers of outpatient physical therapy and physical therapists in independent practice accept for treatment only patients referred to them by physicians, and that written plans of care be established and reviewed by physicians. It also extends the same exemption to providers of outpatient speech pathology and speech pathologists in independent practice. It affects care provided to non-Medicare patients only. The requirements for physician involvement continue to apply for services provided to Medicare beneficiaries. The purpose of the rule is to relieve providers of outpatient physical therapy and outpatient speech pathology and independent therapists of unnecessary burden imposed by current Federal regulations. States would have the flexibility under State law to establish the most appropriate requirements for non-Medicare patients in need of physical therapy or speech pathology services.

Timetable:

Action	Date	FR Cite
Final With Comment Period	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheridan Gladhill, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4605**

RIN: 0938–AE07

948. MMIS SYSTEM PERFORMANCE REVIEW REVISIONS

Legal Authority: 42 USC 1396b(v); 42 USC 1302

CFR Citation: 42 CFR 433.112; 42 CFR 433.123

Legal Deadline: None
Six months after enactment of Section 9503 of Pub. L. 99-272 (April 7, 1986) for only new TPL standard.

Abstract: This notice will propose revisions to the scoring and format of the system performance review of the Medicaid Management Information System (MMIS); it also proposes a new standard. The purpose of this proposal is to promote the efficiency and effectiveness of the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/30/89	54 FR 27755
Comment Period End	08/29/89	
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Frederick Harris, Program Analyst, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 996-5907**

RIN: 0938–AE16

949. INPATIENT HOSPITAL DEDUCTIBLE FOR 1990

Legal Authority: 42 USC 1395e

CFR Citation: 42 CFR 409.82

Legal Deadline: Other, Statutory, September 15, 1989.

Abstract: This notice announces the inpatient hospital deductible for calendar year 1990 under Medicare's hospital insurance program. The Medicare statute specifies the formula to be issued to determine this amount.

Timetable:

Action	Date	FR Cite
Notice	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE19

950. PART A PREMIUM FOR THE UNINSURED AGED FOR 1990

Legal Authority: 42 USC 1395i-2

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the amount of the monthly premium for uninsured Medicare beneficiaries for calendar year 1990. This amount is based on the formula specified by statute.

Timetable:

Action	Date	FR Cite
Notice	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE20

951. MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING 1/1/90

Legal Authority: 42 USC 1395r; 42 USC 1302

CFR Citation: 42 CFR 408.20

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the monthly actuarial rates for aged (aged 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI)

program for the 12 months beginning January 1, 1990. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1990.

Timetable:

Action	Date	FR Cite
Notice	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Carter S. Warfield, Director, Division of Supplementary Medical Insurance, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6396

RIN: 0938–AE21

952. SNF COINSURANCE AMOUNT FOR 1990

Legal Authority: 42 USC 1395e(a)(3)(C)

CFR Citation: None

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the daily coinsurance amount for which Medicare beneficiaries will be responsible for days 1 through 8 of a covered stay in a skilled nursing facility in 1990.

Timetable:

Action	Date	FR Cite
Notice	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938–AE22

953. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F)

CFR Citation: 42 CFR 416.130

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: This notice announces the payment rates for ambulatory surgical services effective July 1, 1989.

Timetable:

Action	Date	FR Cite
Final Notice	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-4487

RIN: 0938–AE29

954. ● DEMONSTRATION PROJECT TO DEVELOP A UNIFORM COST REPORTING SYSTEM FOR HOSPITALS

Legal Authority: 42 USC 1395ww note

CFR Citation: 42 CFR 403

Legal Deadline: None

Abstract: This rule implements the provisions of section 4007(c) of the Omnibus Budget Reconciliation Act of 1987, which require the Secretary to conduct a demonstration project to develop a uniform cost reporting system for hospitals under the medicare program. Hospitals in two states will be required to participate in the demonstration project and additional worksheets developed for the demonstration in a uniform electronic format.

Timetable:

Action	Date	FR Cite
Interim Rule Effective	07/01/89	
Interim Final With Comment Period	08/25/89	54 FR 35329
Comment Period End	10/23/89	54 FR 35329

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-4513

RIN: 0938–AE32

955. ● CORRECTION AND REDUCTION PLANS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Legal Authority: 42 USC 1302; 42 USC 1396r-3

CFR Citation: 43 CFR 442

Legal Deadline: None

Abstract: This rule makes it possible for an ICF/MR with deficiencies in any area (not just in the areas of staffing and physical plant) to submit and obtain approval of a correction or reduction plan, so long as the deficiencies do not pose immediate jeopardy to the health and safety of the facility's clients. It also extends the deadline for approval of such plan to January 1, 1990.

Timetable:

Action	Date	FR Cite
Final Rule with Comment Period	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Robert Harrison, Chief, Long-Term Care Care Services, Branch, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6300 Security Boulevard, Baltimore, MD 21207, 301 966-6832

RIN: 0938–AE41

956. ● OMNIBUS CLINICAL LABORATORY REGULATION

Significance: Regulatory Program

Legal Authority: PL 100-578 Section 353 of the Public Health Service Act

CFR Citation: 42 CFR 493 Subpart J

Legal Deadline: None

Abstract: Historically the Department has regulated laboratories by "location," rather than by types of tests they perform. Amendments to the Clinical Laboratories Improvements Act of 1988 changes this approach. The amendments require that the Department "regulate by test," using what is commonly referred to as the

HHS—HCFA **Final Rule Stage**

"complexity model." This proposed rule would set forth standards for all laboratories based on complexity. It will also seek public comments on the proposed standards as well as ask for suggestions and alternatives.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, 2-D-2 ME, Baltimore, Maryland 21207, **301 966-6763**

RIN: 0938–AE47

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions
Health Care Financing Administration (HCFA)

957. ADDITIONS TO AND DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

CFR Citation: 42 CFR 416.65

Completed:

Reason	Date	FR Cite
Final Action	06/01/89	54 FR 23540
Final Action Effective	08/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita McGrath **301 966-4635**

RIN: 0938–AC45

958. PERIODIC PAYMENTS FOR HOSPITALS AND OTHER PROVIDERS

CFR Citation: 42 CFR 412.116

Completed:

Reason	Date	FR Cite
Final Action	01/21/88	53 FR 1621
Final Action Effective	02/22/88	53 FR 1621

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller **301 966-4513**

RIN: 0938–AD71

959. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1990 RATES

Significance: Regulatory Program

CFR Citation: 42 CFR 412; 42 CFR 413

Completed:

Reason	Date	FR Cite
Final Action	09/01/89	54 FR 36452
Final Action Effective	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Barbara Wynn **301 966-4529**

RIN: 0938–AE02

960. SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1989

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Final Action	06/30/89	54 FR 27742
Final Action Effective	07/01/89	54 FR 27742

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller **301 966-4513**

RIN: 0938–AE03

961. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0938-AD48	08/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller **301 966-4513**

RIN: 0938–AE04

962. FUNCTIONS OF CONTRACTORS IN THE ADMINISTRATION OF THE MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT BEGINNING JANUARY 1, 1991

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn Functions published in RFP 7-17-89	05/16/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Toba Winston **301 966-7426**

RIN: 0938–AE14

963. PART B CATASTROPHIC LIMIT

CFR Citation: 42 CFR 410.110

Completed:

Reason	Date	FR Cite
Withdrawn Notice not required per statute for 1990	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Solomon Mussey **301 966-6386**

RIN: 0938–AE18

HHS—HCFA

Completed Actions

964. ● MEDICARE AND MEDICAID APPROVED INFORMATION COLLECTION REQUIREMENTS AND FEDERAL MEDICAL ASSISTANCE PERCENTAGE COMPUTATION

Legal Authority: 44 USC Chap 35; 44 USC 1395hh

CFR Citation: 42 CFR 400; 42 CFR 433

Legal Deadline: None

Abstract: The Final Rule displays updated control numbers assigned by the Office of Management and Budget "Collection of Information" requirements contained in regulations governing Medicare and Medicaid programs. Corrections long standing formula for computing the state share of Federal Medicaid Assistance Percentage (CMAP).

Timetable:

Action	Date	FR Cite
Final Action	05/16/89	54 FR 21065
Final Action Effective	05/16/89	54 FR 21065

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxinet Turnipseed, Program Analyst, Office of Budget Administration, Department of Health and Human Services, Health Care Financing Administration, Room 2-b-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-1981**

RIN: 0938–AE31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Family Support Administration (FSA)

965. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51; 45 CFR 302.32

Legal Deadline: None

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing collections in IV-D cases.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, **202 252-5365**

RIN: 0970–AA18

966. ALIEN VERIFICATION PROCEDURES FOR AFDC, STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: PL 99-603; Sec 121, Immigration and Reform Act of 1986

CFR Citation: 45 CFR 233; 42 CFR 435; 45 CFR 205; 45 CFR 433; 42 CFR 436

Legal Deadline: NPRM, Statutory, October 1, 1987.

Abstract: Immigration Reform and Control Act imposes new procedures on the AFDC, Adult Assistance Programs and Medicaid to verify immigration status of aliens applying for benefits under these programs with the Immigration and Naturalization Service. Under the law, States must be reimbursed at 100% for costs of their implementation and operation to access the alien status verification system. This regulation will specify what costs incurred by States will be subject to 100% reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS must establish an alien verification system that can be accessed by States by October 1, 1987. States may claim 100% reimbursement for implementing and operating SAVE beginning October 1, 1987.

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5116**

RIN: 0970–AA41

967. IMMEDIATE WAGE WITHHOLDING, REVIEW AND MODIFICATION OF ORDERS, AND MONTHLY NOTICE OF SUPPORT COLLECTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 654(5); 42 USC 666

CFR Citation: 45 CFR 302.54; 45 CFR 302.70; 45 CFR 303.4; 45 CFR 303.100

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States: (1) by November 1990, to require immediate income withholding in all cases receiving services under title IV-D of the Social Security Act with new or modified orders unless there is an alternative arrangement; (2) to review support orders in IV-D cases by October 1993 at least every 36 months and modify the support orders in accordance with support guidelines, as appropriate; and (3) to send monthly as opposed to annual notices of the amount of support collected to AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

HHS—FSA

Proposed Rule Stage

Agency Contact: Betsy Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5362

RIN: 0970–AA63

---

968. $50 DISREGARD, PATERNITY ESTABLISHMENT AND MANDATORY GUIDELINES

Significance: Agency Priority

Legal Authority: 42 USC 654(6); 42 USC 655(a)(1); 42 USC 657(b)(1); 42 USC 666(a)(5); 42 USC 667

CFR Citation: 45 CFR 302.50; 45 CFR 302.51; 45 CFR 302.53; 45 CFR 302.56; 45 CFR 302.70; 45 CFR 303.5; 45 CFR 303.7; 45 CFR 303.100; 45 CFR 304.20

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States to use guidelines as a rebuttable presumption in setting support awards; clarifies that the $50 disregard is paid to the family if the support is paid on time; clarifies that State laws and procedures must provide for paternity establishment of any child for whom a paternity action was previously dismissed under a statute of limitations of less than 18 years; provides 90 percent federal funding of laboratory costs in establishing paternity; and requires genetic testing in contested paternity establishment cases upon request by any party.

Timetable:

Action	Date	FR Cite
NPRM	09/13/89	54 FR 37866
NPRM Comment Period End	11/13/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Craig Hathaway, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5367

RIN: 0970–AA64

---

969. CHILD SUPPORT PROGRAM; STATE PLAN REQUIREMENTS

Significance: Regulatory Program

Legal Authority: PL 100-485

CFR Citation: 45 CFR 232.2; 45 CFR 204

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The proposed rule will emphasize the role and the responsibility of the AFDC applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA66

---

970. RELATED AFDC AMENDMENTS UNDER THE FAMILY SUPPORT ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-485, Sec 401(a); PL 100-485, Sec 402; PL 100-485, Sec 403; PL 100-485, Sec 601; PL 100-485, Sec 604(a)(3)

CFR Citation: 45 CFR 201.1(g); 45 CFR 205.44(b); 45 CFR 205.44(c); 45 CFR 205.44(e); 45 CFR 232.2; 45 CFR 233.20(a)(3)(xiii); 45 CFR 233.20(a)(6)(xi); 45 CFR 233.100; 45 CFR 233.107

Legal Deadline: None

Abstract: Would make the following changes required by the Family Support Act: (1) Require all States to provide benefits for families with unemployed parents and provide at least 6 months of coverage; (2) Increase the standard work expense disregard to $90; (3) Increase the limit on the dependent care disregard to $175 ($200 for a child under 2); (4) Disregard earned income tax credit payments; (5) Allow States to require as a condition of eligibility that minor mothers who have never married live in a place of residence maintained by a parent, legal guardian or other adult-supervised living arrangement; (6) Adds American Samoa to the jurisdictions authorized to develop and operate an AFDC program and includes American Samoa within the quality control system and subjects it to the same error rate tolerances and sanctions that are applicable to other territorial jurisdictions; (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONTINUED: (7) Make States responsible for assuring that benefits and services under IV-A, IV-D, and IV-F are furnished in an integrated manner and re-enforce the role and responsibility of the State in obtaining the cooperation of the applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA69

---

971. DISREGARD OF BONA FIDE LOANS, STUDENT ASSISTANCE/HIGHER EDUCATION TECHNICAL AMENDMENTS OF 1987, COMPENSATION/CIVIL LIBERTIES ACT OF 1988, DISASTER RELIEF/EMERGENCY ASSISTANCE AMENDMENTS OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-50; PL 100-707; PL 100-383

CFR Citation: 45 CFR 233.20(a)(4)

Legal Deadline: None

Abstract: Would add the following income and resource disregards to the regulations: (1) Disregard of Bona Fide Loans; (2) Disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs that is made

available for attendance costs; (3) Disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II; (4) Disregard of Federal major disaster and emergency assistance under the Disaster Relief Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA70

972. ● AMENDMENTS TO THE STATE LEGALIZATION IMPACT ASSISTANCE GRANT (SLIAG) REGULATION

Significance: Agency Priority

Legal Authority: 8 USC 1255a note; PL 100-525

CFR Citation: 45 CFR 402.2; 45 CFR 402.10; 45 CFR 402.11; 45 CFR 402.20; 45 CFR 402.22; 45 CFR 402.24; 45 CFR 402.26; 45 CFR 402.33; 45 CFR 402.40; 45 CFR 402.41; 45 CFR 402.51

Legal Deadline: None

Abstract: This rule proposes to implement technical amendments made to the Immigration and Naturalization Act by recent legislation and make other administrative changes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Norman L. Thompson, Director, Division of State Legalization Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, D.C. 20447, 202 252-4571

RIN: 0970–AA73

973. ● REVISIONS TO AUDIT REGULATIONS AS A RESULT OF THE CHILD SUPPORT PROVISIONS OF THE FAMILY SUPPORT ACT OF 1988

Significance: Agency Priority

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None

Abstract: This regulation revises existing audit procedures as a result of changes to program regulations to implement the child support provisions of the Family Support Act of 1988. These changes establish timeframes and standards for providing child support enforcement services, and require use of guidelines to establish support orders among other things. Audit regulations are being revised for consistency with new program requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Betsy Matheson, Chief of Policy, Office of Child Support Enforcement, FSA, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5362

RIN: 0970–AA74

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Family Support Administration (FSA)

Final Rule Stage

974. SCOPE OF PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1102; 42 USC 602

CFR Citation: 45 CFR 233.20(a)(2)(i); 45 CFR 233.20(a)(2)(v); 45 CFR 233.120

Legal Deadline: None

Abstract: These proposed regulations would clarify that States may not provide simultaneous multiple shelter allowances or special need allowances to recipients under Titles I, IV-A, X, XIV, and XVI of the Social Security Act based on the type of housing in which they reside. Also, these regulations would limit Federal matching under the Emergency Assistance program to one 30-day period in twelve consecutive months and would require States to specify the maximum amount of assistance to be provided for each type of emergency.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47420
NPRM Comment Period End	01/28/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA00

975. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 205.40(a)(8)

Legal Deadline: None

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal statutes and regulations when a state plan is not amended to reflect new federal rules.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sean Hurley, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5075

RIN: 0970–AA04

976. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 238.18; 45 CFR 238.20; 45 CFR 238.50; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 239.16; 45 CFR 239.24; 45 CFR 239.58; 45 CFR 239.82; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None

Abstract: The final regulations will clarify provisions first published in the Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA06

977. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20; PL 100-985, Sec 303(e)

CFR Citation: 45 CFR 233; 45 CFR 435; 45 CFR 436

Legal Deadline: None

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of overpayment, or because the payment is determined to be zero as a result of rounding.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA07

978. CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a); 45 CFR 205.52; 45 CFR 233.20(a)(3)(ii)(D); 45 CFR 233.20(a)(3)(iii)

Legal Deadline: None

Abstract: The Final rule will provide increased consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. The aim is to improve and simplify program administration and ease the burden placed upon the State agencies and individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA08

979. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION -- PUBLIC ASSISTANCE PROGRAM -- QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248

CFR Citation: 45 CFR 205.44

Legal Deadline: None

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive

criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 21
NPRM Comment Period End	04/03/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Agency Contact: Sean Hurley, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5075**

RIN: 0970–AA11

980. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None

Abstract: This final regulation revises the audit period from a fiscal year period to a more flexible period comprised of any consecutive five months. Other proposed changes are not being made in this final rule.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4841
NPRM Comment Period End	04/03/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Elizabeth Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, **202 252-5362**

RIN: 0970–AA17

981. EXCLUSION OF INDIAN TRUST FUNDS AND ALASKA NATIVE CLAIMS SETTLEMENT ACT DISTRIBUTIONS

Significance: Regulatory Program

Legal Authority: PL 97-458, Sec 4; PL 98-64, Sec 2; PL 100-241, Sec 15

CFR Citation: 45 CFR 233.20(a)(4)(ii)(n); 45 CFR 233.20(a)(4)(ii)(o); 45 CFR 233.20(a)(4)(ii)(e); 45 CFR 233.20(a)(4)(ii)(k)

Legal Deadline: None

Abstract: Would update current regulations by adding statutory exclusions for certain per capita distributions of Indian judgment funds and other funds held in trust by the Department of Interior, and initial purchases made with such funds. Additionally, would exclude the following types of distributions received from a Native Corporation pursuant to the Alaska Native Claims Settlement Act. (1) Cash to the extent that it does not in the aggregate, exceed $2,000 per individual per annum; (2) Stocks; (3) A partnership interest; (4) Land or an interest in land; and (5) An interest in a settlement trust. Regulations would reflect the statutes; therefore, no alternatives are being considered. We estimate that the Federal share of the cost of the trust funds exclusions required under PL 97-458 and PL 98-64 would be $696,960 per year, the Federal share of the cost of the Alaska Native Claims Settlement Act exclusions required under PL 100-241 would be $1,878,108 per year. Therefore, the annual result would be a cost of $3,575,068.

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19197
NPRM Comment Period End	07/03/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5116**

RIN: 0970–AA47

982. COOPERATION TO PURSUE THIRD PARTY HEALTH COVERAGE

Significance: Regulatory Program

Legal Authority: Sec 12304 as amended by the Social Security Act; PL 99-272; The Consolidated Omnibus Reconciliation Act of 1985

CFR Citation: 45 CFR 232.13; 45 CFR 232.40; 45 CFR 232.41; 45 CFR 232.42; 45 CFR 232.43; 45 CFR 232.44; 45 CFR 232.45; 45 CFR 232.47; 45 CFR 232.48; 45 CFR 232.49; 45 CFR 234.60; 45 CFR 235.70

Legal Deadline: None

Abstract: The proposed rules specify that as a condition of eligibility for AFDC, each applicant or recipient must cooperate with the State by identifying and providing information to assist the State in pursuing any third party who may be liable to pay for care and services available under the State's plan for medical assistance under title XIX, unless such individual has good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	05/24/89	54 FR 22457
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5116**

RIN: 0970–AA49

983. PRE-ELIGIBILITY FRAUD DETECTION MEASURES

Significance: Agency Priority

Legal Authority: PL 100-485

CFR Citation: 45 CFR 235.111

Legal Deadline: NPRM, Statutory, October 1, 1989.

Abstract: Requires State agencies to establish procedures to detect pre-eligibility fraud on all AFDC applications.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/89	54 FR 15944
Final Action	11/15/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5116**

RIN: 0970–AA56

984. TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Omnibus Budget Reconciliation Act of 1986

CFR Citation: 45 CFR 205.56

Legal Deadline: None

Abstract: These rules make revisions to the regulations designed to incorporate changes made by Section 9101 of PL 99-509, which amended Section 1137 of the Social Security Act to allow States flexibility in targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulations which required 100% verification and allows the States the option to target their uses to those identified in the State Plan as most likely to be productive.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/88	53 FR 52709
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, **202 252-5116**

RIN: 0970–AA58

985. AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None

Abstract: This final rule changes regulations of 45 CFR 95.600, et seq., affecting State and local agency requests for FFP.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35454
NPRM Comment Period End	11/30/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Lentz, Management Analyst, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, **202 252-4795**

RIN: 0970–AA59

986. SERVICES TO POST-AFDC AND MEDICAID ONLY FAMILIES

Significance: Agency Priority

Legal Authority: 42 USC 654(4); 42 USC 654(5); 42 USC 657(c)

CFR Citation: 45 CFR 301.1; 45 CFR 302.31; 45 CFR 302.33; 45 CFR 302.70; 45 CFR 302.51; 45 CFR 303.72; 45 CFR 303.102; 45 CFR 304.20; 45 CFR 306.50; 45 CFR 306.51

Legal Deadline: None

Abstract: This regulation would implement section 9141 of P.L. 100-203, the Omnibus Budget Reconciliation Act of 1987 under which child support agencies are required to continue to provide IV-D services to persons no longer eligible for AFDC without requiring an application or payment of an application fee. It also implements section 9142 of P.L. 100-203 which requires child support agencies to provide IV-D services to all families with an absent parent who receive Medicaid and have assigned their rights to medical support to the State.

Timetable:

Action	Date	FR Cite
NPRM	05/23/89	54 FR 22325
NPRM Comment Period End	07/24/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, **202 252-5375**

RIN: 0970–AA61

987. AID TO FAMILIES WITH DEPENDENT CHILDREN - JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM, PROGRAM PARTICIPANT EMPLOYMENT PROTECTION

Significance: Regulatory Program

Legal Authority: 42 USC 684; 42 USC 1302; 42 USC 684(d)(1); 42 USC 684(d)(2)

CFR Citation: 45 CFR 251

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: The Family Support Act of 1988 (PL 100-485) establishes the JOBS program under title IV-A of the Social Security Act. Associated with the program are workers' issues, such as working conditions, tort claims protection, workers' compensation and displacement. The legislation, (PL 100-485) requires that necessary protections be provided for program participants.

Timetable:

Action	Date	FR Cite
NPRM	04/19/89	54 FR 15902
NPRM Comment Period End	06/19/89	54 FR 15902
Final Action	10/13/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Callahan, Acting Director, Div. of Special Initiatives, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-4979

RIN: 0970–AA67

988. JOB OPPORTUNITY AND BASIC SKILLS (JOBS) TRAINING PROGRAM

Significance: Regulatory Program

Legal Authority: PL 100-485, Sec 202; PL 100-485, Sec 204; PL 100-485, Sec 201; 42 USC 602; 42 USC 681; 42 USC 682; 42 USC 683; 42 USC 684; 42 USC 685; 42 USC 603

CFR Citation: 45 CFR 250.0; 45 CFR 255.0; 45 CFR 256.0; 45 CFR 205.50; 45 CFR 224.0; 45 CFR 233.20; 45 CFR 233.90; 45 CFR 233.100; 45 CFR 234.60; 45 CFR 238.01; 45 CFR 239.01; 45 CFR 240.01; 45 CFR 250.01; 45 CFR 250.10; 45 CFR 250.11; ...

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: Current regulations provide for a number of work and training programs. Some States have designed their own programs. However, since most of these work programs are optional, and State support for these programs have varied, implementation of work and training programs has been uneven among the states. The Family Support Act (Public Law 100-485), which was signed 10/13/88, establishes under title IV-F of the Social Security Act, the Job Opportunities and Basic Skills (JOBS) training program. JOBS' purpose is to assure that needy families with children obtain the education, training, and employment that will help them avoid long term dependence. The legislation mandates that all States implement a JOBS program by October 1, 1990. The regulation also includes child care and supportive services provisions from Title III of the Family Support Act. These services include services needed by JOBS participants, as well as transitional child care for former AFDC recipients.

Timetable:

Action	Date	FR Cite
NPRM	04/18/89	54 FR 15638
NPRM Comment Period End	06/19/89	54 FR 15638
Final Action	10/13/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Mark Ragan, Branch Chief, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA68

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Family Support Administration (FSA)

Completed Actions

989. RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARAGES

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Completed:

Reason	Date	FR Cite
Final Action	04/19/89	54 FR 15757
Final Action Effective	04/19/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald 202 252-5366

RIN: 0970–AA03

990. STANDARDS FOR CHILD SUPPORT ENFORCEMENT PROGRAM OPERATIONS

Significance: Regulatory Program

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304; 45 CFR 305; 45 CFR 306; 45 CFR 307

Completed:

Reason	Date	FR Cite
Final Action	08/04/89	54 FR 32284
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Allred 202 252-5369

RIN: 0970–AA16

991. COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 654(7); 42 USC 652

CFR Citation: 45 CFR 302.34; 45 CFR 303.107; 45 CFR 304.21; 45 CFR 305.34

Legal Deadline: None

Abstract: The regulation specifies provisions that must be contained in all cooperative agreements between IV-D agencies and courts and law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/05/88	53 FR 39110
NPRM Comment Period End	12/05/88	
Final Action	07/19/89	54 FR 30216

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Andrew Hagan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, D.C.20447, 202 252-5375

RIN: 0970–AA50

992. ● STATE LEGALIZATION IMPACT ASSISTANCE GRANTS

Significance: Agency Priority

Legal Authority: PL 100-204

CFR Citation: 45 CFR 402

Legal Deadline: None

Abstract: This rule amends the final rule implementing the State Legalization Impact Assistance Grants (SLIAG), published on March 10, 1988. This action changes the deadline by which Fiscal Year 1990 State SLIAG applications are due from July 15, 1989 to October 1, 1989, and the deadline by which a State's FY 1990 application must be approvable by the Secretary from October 1, 1989 to December 15, 1989. This will give States sufficient time to develop actual cost data which can be used in preparing their FY 1990 applications.

Timetable:

Action	Date	FR Cite
Final Action	06/05/89	54 FR 23983

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Norman L. Thompson, Director, Division of State Legalization Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, D.C. 20447, **202 252-4571**

RIN: 0970–AA72

993. ● OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 45 CFR 233.20(a)(3)(x); 45 CFR 233.53; 45 CFR 235.112

Legal Deadline: NPRM, Statutory, April 1, 1988.
The statutory effective date of the optional AFDC fraud control program is April 1, 1988.

Abstract: (1) Permanently extends the optional disregard of certain in-kind assistance in determining eligibility for and the amount of AFDC. (2) Authorizes States to establish an optional fraud control program. (3) Provides that a child whose support and maintenance costs are covered in the foster care of his or her minor parent may not be regarded as a member of an AFDC family.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark Ragan, Acting Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, **202 252-5116**

RIN: 0970–AA75

[FR Doc. 89-21721 Filed 10-27-89; 8:45 am]
BILLING CODE 4150-04-T

federal register

Monday
October 30, 1989

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-89-2039; FR-2690]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291 "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency" subject to certain exceptions. The agenda published below concentrates upon regulatory material contained or expected to be contained in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

Dated: August 23, 1989.

Frank Keating,

General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
994	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

HUD

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
995	24 CFR 0000 Denial of Federal Benefits to Drug Traffickers and Possessors (S-2-89; FR-2612)	2501-AA81
996	00 CFR 000 Criteria for Determining Unutilized or Underutilized Federal Property as Suitable for Facilities to Assist the Homeless (S-8-89; FR-2620)	2501-AA87
997	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
998	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30
999	24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands; Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
1000	24 CFR 56 Flood Insurance Requirements for Insurance, Loan, and Grant Programs (S-3-85; FR-2007)	2501-AA59
1001	24 CFR 100 Handicapped Accessibility Guidelines (S-6-89; FR-2665)	2501-AA85
1002	24 CFR 760 Verification of HUD Applicant and Participant Employment and Wage and Claim Justification (S-10-88; FR-2588)	2501-AA80
1003	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2501-AA88

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1004	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
1005	24 CFR 18 Disallowance of Legal Fees; Litigation Controls for HUD Assistance Recipients (S-7-88; FR-2134)	2501-AA75
1006	24 CFR 24 Debarment Suspension and Limited Denial of Participation--All-Cash Sales Exception (S-4-87; FR-2356)	2501-AA60
1007	24 CFR 24 Implementation of the Drug-Free Workplace Act of 1988 (Common Rule)(S-11-88; FR-2598)	2501-AA78
1008	24 CFR 58 Environmental Review Procedures for the Community Development Block Grant, Emergency Shelter Grants, Rental Rehab & Housing Development Grant Programs (S-6-84; FR-1965)	2501-AA25
1009	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63
1010	24 CFR 205 Mortgage Insurance for Land Development -- Title X of the National Housing Act; Proposed Termination of Program (S-5-89; FR-2677)	2501-AA84
1011	24 CFR 213 Temporary Disqualification of Certain Newly Legalized Aliens from Certain HUD Programs (S-12-88; FR-2600)	2501-AA77
1012	24 CFR 813.106 Exclusions from Income for Students and Working Residents of Assisted Housing (S-9-89; FR-2691)	2501-AA89

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1013	24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (S-2-88; FR-2481)	2501-AA67
1014	24 CFR 200 Implementation of Sec. 165 of the HCD Act of 1987--Social Security Rule (S-4-88; FR-2501)	2501-AA72
1015	24 CFR 203 Insurance of Price Level Adjusted Mortgages (Indexed Mortgages) (S-5-88; FR-2518)	2501-AA73
1016	24 CFR 570 Urban Development Action Grants Program; Changes to Project Selection System (S-4-89; FR-2647)	2501-AA83

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1017	24 CFR 200 Restrictions on All-Cash Sales (Amendment to Part 200) (H-30-87; FR-2374)	2502-AE12
1018	24 CFR 203.366 Mortgagee Charges for Serious Title Defects (H-28-87; FR-2368)	2502-AE11

HUD

Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1019	00 CFR 000 Pre-Foreclosure Sale Option (H-12-89; FR-2682)	2502-AE72
1020	24 CFR 200 Use of Material Bulletin 40C - Grademarking of Plywood (H-21-85; FR-2407)	2502-AD01
1021	24 CFR 200 Changes to the Minimum Property Standards (H-40-88; FR-2599)	2502-AE64
1022	24 CFR 0200.815 Lead-Based Paint Poisoning Prevention - HUD-Owned Single Family Property Disposition (H-8-89; FR-2655)	2502-AE73
1023	24 CFR 201 Revised Underwriting and Loan Origination Requirements for Title I Loans (H-5-89; FR-2623)	2502-AE67
1024	4 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
1025	24 CFR 203.400 Deadline for Filing Single Family Supplemental Claims (H-26-88; FR-2487)	2502-AE51
1026	24 CFR 203 Single Family Property Disposition Sales Procedure (H-14-89; FR-2683)	2502-AE75
1027	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
1028	24 CFR 221 Amendments to Multifamily Mortgage Insurance Program Regulations (H-15-89; FR-2684)	2502-AE77
1029	24 CFR 221 Amendments to Multifamily Mortgage Insurance Program Regulations - Retirement Service Centers (H-16-89; FR-2685)	2502-AE78
1030	24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects - Management and Disposition Including Provision of Section 8 Assistance for Projects at Foreclosure (H-3-86; FR-2158)	2502-AD43
1031	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR-2380)	2502-AE10
1032	24 CFR 880 Administrative Instructions Covering Voluntary Terminations (Opt-Out) of Existing Section 8 Contracts and Expiring Loan Management Set-Aside (LMSA) Contracts (H-17-89; FR-2689)	2502-AE79
1033	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
1034	24 CFR 882 Section 8 Certificate and Housing Voucher Program--Denial and Termination of Assistance for Drug-Related Activities (H-9-89; FR-2662)	2502-AE70
1035	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
1036	24 CFR 3280 Changes to the Manufactured Home Construction and Safety Standards from the CABO and MHCSS Committees, Departmental Staff and Others (H-4-89; FR-2622)	2502-AE66
1037	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60
1038	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61
1039	24 CFR 3282.307(b) Manufactured Home Safety Standards - Monitoring Inspection Fee (H-2-89; FR-2613)	2502-AE65

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1040	00 CFR 000 Tenant Participation in Multifamily Projects (H-11-88; FR-2451) 1987 HCD Act	2502-AE35
1041	00 CFR 000 Section 8 Certificate Program Project-Based Assistance (New Construction)(H-30-88; FR-2502)	2502-AE56
1042	24 CFR 200 Authorize Additional Types of Loans for Direct Endorsement Processing (H-4-88; FR-2433)	2502-AE48
1043	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
1044	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
1045	24 CFR 203 Single Family Mortgage Insurance - Occupant and Investor Mortgagors (H-16-88; FR-2456) 1987 HCD Act	2502-AE40
1046	24 CFR 203 Action to Reduce Losses under FHA Single Family Mortgage Insurance Program (H-28-88; FR-2491)	2502-AE52
1047	24 CFR 203 Refinancing of FHA-Insured Adjustable Rate Mortgages (H-10-89; FR-2668)	2502-AE71
1048	24 CFR 203.350 Revision to FHA Insurance on Hawaiian Homelands Rule and to Assignment Rule to Remove Dependence on TMAP Rule (H-7-89; FR-2657)	2502-AE74
1049	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421)	2502-AE26
1050	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
1051	24 CFR 50 Prepayment of Mortgages on Low- and Moderate-Income Housing (H-10-88; FR-2450) 1987 HCD Act	2502-AE34
1052	24 CFR 219 Capital Improvement Flexible Subsidy Program: Loans 8 (H-34-88; FR-2541)	2502-AE55
1053	24 CFR 251 Amendments to HUD Multifamily Coinsurance Program Regulations (H-13-89; FR-2681)	2502-AE76
1054	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
1055	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
1056	24 CFR 885 Loans for Housing for the Elderly or Handicapped Duration of Section 202 Fund Reservation (H-33-88; FR-2536)	2502-AE58
1057	24 CFR 885.415 Loans for Housing for the Elderly or Handicapped Davis-Bacon Wage Rate (H-6-89; FR-2589)	2502-AE69
1058	24 CFR 890 Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (H-1-89; FR-2539)	2502-AE62

HUD

Office of Housing—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1059	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1060	24 CFR 0000 Criteria for Determining Unutilized or Underutilized Federal Property as Suitable for Facilities to Assist the Homeless (H-3-89; FR2620)	2502-AE68
1061	24 CFR 50 Coinsurance of Equity Loans (H-37-88, FR2560)	2502-AE60
1062	24 CFR 200 Applicability of Minimum Property Standards to Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24
1063	24 CFR 201 Amendments to the Title I Regulations (H-19-87; FR2370)	2502-AE15
1064	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
1065	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
1066	24 CFR 203 Mortgage Income Requirements (H-18-87; FR-2333)	2502-AD98
1067	24 CFR 203 Mortgage Insurance for the Allegheny Reservation of the Seneca Nation of Indians (H-32-87; FR-2382)	2502-AE09
1068	24 CFR 203.2 Eligibility Requirements--Mortgagee Approval (H-13-88; FR-2453)	2502-AE37
1069	24 CFR 207 Method of Payment of Multifamily Insurance Claims (H-38-88; FR-2571)	2502-AE61
1070	24 CFR 280 Nehemiah Opportunity Grants Program (H-25-88; FR-2478) 1987 HCD Act	2502-AE45
1071	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
1072	24 CFR 885 Loans for the Elderly or Handicapped - Housing for the Handicapped (H-23-88; FR-2476) 1987 HCD Act	2502-AE47
1073	24 CFR 1710 Land Registration (H-21-86)	2502-AD54
1074	24 CFR 1710 Amendments to Interstate Land Sales Registration (H-47-86; FR-2503)	2502-AD81
1075	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR-2327)	2502-AE06
1076	24 CFR 3280.506 Manufactured Housing Energy Conservation Standards (H-29-88; FR-2497) 1987 HCD Act	2502-AE53

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1077	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
1078	24 CFR 570 Miscellaneous Revisions of Part 570 - 1987 HCD Act (CPD-5-88; FR-2496)	2506-AA84
1079	24 CFR 570 Community Development Technical Assistance Program (CPD-1-89; FR-2616)	2506-AA90

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1080	24 CFR 574 Comprehensive Homeless Assistance Plan (Implementation of 1988 McKinney Act Amendments) - (CPD 9-89; FR-2386; Formerly S-1-89)	2506-AA96
1081	24 CFR 236 Uniform Relocation Act Amendments of 1987-- Technical Amendments (CPD-3-89; FR2624)	2506-AA92
1082	24 CFR 0401 Supplemental Assistance for Facilities to Assist the Homeless (CPD-10-89; FR-2585; Formerly S-3-89)	2506-AA97
1083	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
1084	24 CFR 511 Rental Rehabilitation Program (CPD-11-88; FR-2558)	2506-AA88
1085	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
1086	24 CFR 570 Conserving Neighborhoods by Prohibiting Displacement (CPD-3-88; FR-2474) 1987 HCD Act	2506-AA82

HUD

Office of Community Planning and Development—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1087	24 CFR 576 Emergency Shelter Grants Program (Implementation of 1988 McKinney Act Amendments) - (CPD-11-89; FR-2562; Formerly S-6-88)	2506-AA95
1088	24 CFR 840 Supportive Housing Demonstration Program (CPD-12-89; FR-2581)	2506-AA98

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1089	24 CFR 0570 Secretary's Discretionary Fund - Work Study Program (CPD-4-88; FR-2475) 1987 HCD Act	2506-AA81
1090	24 CFR 0570 Implementation of Prohibition on Use of UDAG Grants for Business Relocation (CPD-6-88; FR-2500)	2506-AA86
1091	24 CFR 570.410 Revision of Subpart E, Part 570 to Provide Increased Local Discretion in Applying Limitations on Special Projects Expenditures (CPD-2-89; FR-2669)	2506-AA93
1092	24 CFR 0570.206 CDBG - Fair Housing Requirements (CPD-5-89; FR-2658)	2506-AA94
1093	24 CFR 590 Urban Homesteading Program; Implementing of 1987 Statutory Amendments and Revision of Selected Program Procedures (CPD-1-88; FR-2461)	2506-AA79

Government National Mortgage Association—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1094	24 CFR 390 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03
1095	24 CFR 390 GNMA Mortgage-Backed Securities (GNMA-1-88; FR-2548)	2503-AA06

Office of Fair Housing and Equal Opportunity—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1096	24 CFR 111 Fair Housing Enforcement Support Program; Program Description and Eligibility Criteria (FHEO-2-89; FR-2687)	2529-AA43

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1097	24 CFR 000 Nondiscrimination in Housing and Community Development Programs (FHEO-1-89; FR-2629)	2529-AA42
1098	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28

Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1099	24 CFR 735 Conforming Amendments to HUD Rules to Comply with Sec. 504 of the Rehab Act and Other Authorities (FH&EO-3-88; FR-2531)	2529-AA38

HUD

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1100	24 CFR 111 Redesign for Fair Housing Assistance Program (FHEO-2-87; FR-2403)	2529-AA33
1101	24 CFR 125 Fair Housing - Coordination of Executive Agency and Regulatory Agency Affirmative Administration of Programs in Connection with HUD (FH&EO-1-88; FR-2480)	2529-AA36

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1102	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1103	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473)	2535-AA16

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1104	24 CFR 29 OMB Cir. A-110, Uniform Administrative Requirements for Grants and Agreements with Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR-2376)	2535-AA15
1105	48 CFR 2401 Revisions of HUDAR to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR-2534)	2535-AA17

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1106	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (P-10-88; FR-2211)	2577-AA68
1107	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1108	24 CFR 0913 Public and Indian Housing; Ceiling Rents (P-2-89; FR-2529) 1987 HCD Act	2577-AA57
1109	24 CFR 941 Lead-Based Paint Poisoning Prevention Act -- Stewart B. McKinney Homeless Assistance Act of 1988 -- Section 1088 (P-19-88; FR-2583)	2577-AA78
1110	24 CFR 960 Selection of Families from the Waiting List in Assisted Housing Program (P-4-89; FR-2663)	2577-AA79
1111	24 CFR 989 PHA Obligations with respect to Residual Receipts in the Public Housing, Turnkey III, and Sec. 23 Programs; (P-2-87; FR2354; formerly H-27-87)	2577-AA49
1112	24 CFR 990 Performance Funding System Revisions (87 Act)--Formal Review Process Energy Conservation Savings, Audit Responsibilities (P-12-88; FR-2504)	2577-AA71

HUD

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1113	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act	2577-AA58
1114	00 CFR 000 Implementation of Percentage Limit Provisions Under Section 16 of the United Housing Act of 1937 (P-7-88; FR-2465) 1987 HCD Act	2577-AA60
1115	00 CFR 000 Public Housing Drug Elimination Pilot Program (P-20-88; FR-2592)	2577-AA76
1116	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1117	24 CFR 960 Public Housing - Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1118	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
1119	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40
1120	24 CFR 968 Public Housing CIAP and Comprehensive Grant Program (P-8-88; FR-2488)	2577-AA66

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1121	24 CFR 905 Establishment of Preference for Elderly and Near Elderly Families (P-13-88; FR-2505)	2577-AA69
1122	24 CFR 965 Change in Consolidated Supply Program (CSP) (P-11-88; FR2482)	2577-AA67

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of the Secretary (HUDSEC)

994. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7260

RIN: 2501–AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

995. DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS (S-2-89; FR-2612)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: Section 5301 permits courts to declare individuals convicted of drug trafficking and possession to be ineligible for certain Federal benefits for specified periods.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel for Legislation &, Regs, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7093

RIN: 2501–AA81

996. ● CRITERIA FOR DETERMINING UNUTILIZED OR UNDERUTILIZED FEDERAL PROPERTY AS SUITABLE FOR FACILITIES TO ASSIST THE HOMELESS (S-8-89; FR-2620)

Legal Authority: 42 USC 11411

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This regulation would describe the criteria HUD uses to determine whether unutilized or underutilized Federal properties, described by other agencies in HUD-conducted surveys, are suitable for facilities to assist the homeless. This determination is the responsibility of HUD under the procedures in Section 501 of the McKinney Act for the identification and use of unutilized and underutilized Federal property for facilities to assist the homeless.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Bourne, Director, Transitional Housing Development, Staff, Department of Housing and Urban Development, Office of Housing, **202 755-9075**

RIN: 2501–AA87

---

997. ● ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Legal Deadline: None

Abstract: This rule would remove portions of HUD regulations that are obsolete or duplicative.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7055**

RIN: 2501–AA50

---

998. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Emergency Shelter Grants, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, **202 755-6611**

RIN: 2501–AA30

---

999. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS; IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 55; 24 CFR 50; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-7894**

RIN: 2501–AA23

1000. FLOOD INSURANCE REQUIREMENTS FOR INSURANCE, LOAN, AND GRANT PROGRAMS (S-3-85; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving insurance, loans and grants. This rule would do the following: (1) authorize certain exemptions for the first time; (2) clarify the statutory limitation on the conduct of HUD programs; (3) describe implementation actions to be taken by the approving official and the affected property owner; and (4) correct or remove from Title 24 outdated or inadequate references pertaining to this statutory responsibility.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6611**

RIN: 2501–AA59

1001. ● HANDICAPPED ACCESSIBILITY GUIDELINES (S-6-89; FR-2665)

Significance: Regulatory Program

Legal Authority: 42 USC 3601; 42 USC 3604(f)(3)(C)

CFR Citation: 24 CFR 100

Legal Deadline: None

Abstract: In the final rule implementing the Fair Housing Amendments Act of 1988 (54 FR 3232, January 23, 1989), HUD announced its intention to publish "accessibility guidelines" to provide additional guidance to designers and developers of residential structures, and to the public, concerning the requirements of the amended Fair Housing Act as the Act relates to accessibility of dwellings for use by handicapped persons. These guidelines will be published for public comment and, thereafter, in final form, and will be adjunct to 24 CFR Part 100.

Timetable:

Action	Date	FR Cite
ANP Guidelines	08/02/89	54 FR 31856
NP Guidelines	10/00/89	
Final Action	02/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Margaret T. Milner, Office of Policy, Financial Management, and Administration, Department of Housing and Urban Development, Office of Housing, **202 755-6490**

RIN: 2501–AA85

1002. VERIFICATION OF HUD APPLICANT AND PARTICIPANT EMPLOYMENT AND WAGE AND CLAIM JUSTIFICATION (S-10-88; FR-2588)

Legal Authority: 42 USC 3544; PL 100-628

CFR Citation: 24 CFR 760; 24 CFR 813; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 900; 24 CFR 903; 24 CFR 905; 24 CFR 913; 24 CFR 960

Legal Deadline: Other, Statutory, September 30, 1989.
Section 904 statutorily takes effect on September 30, 1989 (although there is an early implementation option in the statute).

Abstract: The regulation implementing section 904 of the McKinney Amendments would require applicants and participants in certain HUD programs to sign consent forms permitting (1) HUD, PHA or owners responsible for determining eligibility for or level of benefits to verify employee income information with previous or current employers, and (2) HUD or the PHA to request wage and claim information from a State unemployment agency. Signing the consent from would be a condition of eligibility or continuing eligibility for the covered program. The rule would provide limitations on the collection, maintenance, use, and dissemination of wage and claim information obtained from a State unemployment agency. Criminal and civil penalties are also specified.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis A. Raschka, Director, Fraud Control Division, Department of Housing and Urban Development, Office of the Inspector General, **202 426-6493**

RIN: 2501–AA80

1003. ● REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to reflect statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing. The rule tightens the headquarters funding process as well.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON:

Nancy Chisholm

Director, Office of Policy

Office of Public and Indian Housing

202-755-6713

Agency Contact: Stephen Cooley, Director, Office of Policy Development, Department of Housing and Urban Development, Office of Housing, **202 755-6454**

RIN: 2501–AA88

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of the Secretary (HUDSEC)

Final Rule Stage

1004. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7184**

RIN: 2501–AA55

1005. DISALLOWANCE OF LEGAL FEES; LITIGATION CONTROLS FOR HUD ASSISTANCE RECIPIENTS (S-7-88; FR-2134)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 18

Legal Deadline: None

Abstract: This rule will declare HUD policy regarding PHA legal expenses for litigation against HUD and prescribe limited litigation reporting procedures for HUD assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43610
NPRM Comment Period End	12/27/88	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of the Secretary, **202 755-6713**

RIN: 2501–AA75

1006. DEBARMENT SUSPENSION AND LIMITED DENIAL OF PARTICIPATION--ALL-CASH SALES EXCEPTION (S-4-87; FR-2356)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This interim rule contains provisions of the common rule on Nonprocurement Debarment and Suspension which HUD could not adopt at the time that rule was published because of statutory requirements for congressional pre-publication review. These provisions relate to the application of debarment and suspension to foreign governments and organizations. The interim rule also deletes the exception for all cash sales at 24 CFR 24. The exception is being removed as a response to fraudulent practices experienced by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/88	53 FR 30049
Interim Final Rule Effective	10/01/88	53 FR 30049
Interim Final Rule Comments Due	10/11/88	53 FR 30049

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Black, Assistant General Counsel for, Inspector General & Admin Proceedings, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7200**

RIN: 2501–AA60

1007. IMPLEMENTATION OF THE DRUG-FREE WORKPLACE ACT OF 1988 (COMMON RULE)(S-11-88; FR-2598)

Significance: Agency Priority

Legal Authority: PL 100-690

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This rule establishes drug-free workplace requirements for Federal contractors and grantees. OMB's Office of Federal Procurement Policy has the lead in developing a governmentwide common rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marylea Byrd, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, **202 755-9886**

RIN: 2501–AA78

1008. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SHELTER GRANTS, RENTAL REHAB & HOUSING DEVELOPMENT GRANT PROGRAMS (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This agenda item makes final two current interim rules. These rules provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Final Rule Effective	07/31/84	49 FR 23610
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: provisions for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

This item also provides for the extension of the rule to the new programs authorized by the Stewart B. McKinney Homeless Assistance Act - P.L. 100-77, as amended by P.L. 100-628.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501–AA25

1009. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None

Abstract: This rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made effective, but has been withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41038
NPRM Comment Period End	12/19/88	53 FR 41038
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information:

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501–AA63

1010. ● MORTGAGE INSURANCE FOR LAND DEVELOPMENT -- TITLE X OF THE NATIONAL HOUSING ACT; PROPOSED TERMINATION OF PROGRAM (S-5-89; FR-2677)

Significance: Agency Priority

Legal Authority: 12 USC 1749jj

CFR Citation: 24 CFR 205

Legal Deadline: None

Abstract: This proposed rule would terminate the mortgage insurance program authorized under Title X of the National Housing Act. Under Title X, HUD insures mortgages to finance the purchase of land and the development of building sites, water and sewer systems, streets, and lighting and other installations needed for residential communities.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 33039
NPRM Comment Period End	10/10/89	54 FR 33039
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edwin W. Baker, Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2501–AA84

1011. TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM CERTAIN HUD PROGRAMS (S-12-88; FR-2600)

Significance: Agency Priority

Legal Authority: 8 USC 1255(h); 8 USC 1255(i)

CFR Citation: 24 CFR 213; 24 CFR 221; 24 CFR 237; 24 CFR 510; 24 CFR 511; 24 CFR 570

Legal Deadline: None

Abstract: This rule will complete the action necessary to implement section 201(a) of the Immigration Reform and Control Act (IRCA) of 1986 (100 Stat. 3394, 3401) for HUD programs. That Act authorized the Attorney General to identify the programs of Federal financial assistance to which the temporary disqualification of certain newly legalized aliens applies. The Attorney General issued a proposed rule in 1987 (52 FR 31784) listing numerous HUD programs. The Attorney General's revised rule on this subject is expected to be published in late 1989, requiring that HUD publish an implementing rule for effect ninety days thereafter.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	
Final Action Effective	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban

HUD—HUDSEC

Final Rule Stage

Development, Office of Community Planning and Development, 202 755-6587

RIN: 2501–AA77

1012. ● EXCLUSIONS FROM INCOME FOR STUDENTS AND WORKING RESIDENTS OF ASSISTED HOUSING (S-9-89; FR-2691)

Significance: Agency Priority

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 813.106; 24 CFR 913.106; 24 CFR 215.21; 24 CFR 236.3

Legal Deadline: None

Abstract: To encourage a transition from welfare dependency to employment of residents, this rule would exclude from income (1) the portion of scholarships intended to cover subsistence expenses; and (2) a portion of income from comprehensive state or local job training and employment programs (or the entire amount for up to six months). The rule would also exclude payments for the care of foster adults to rectify an inequity between treatment of payments for foster children and foster adults, who are usually handicapped persons, unrelated to the tenant family, who are unable to live alone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Theodore R. Daniels, Director, Financial Management and Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-8145

RIN: 2501–AA89

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of the Secretary (HUDSEC)

Completed Actions

1013. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (S-2-88; FR-2481)

Significance: Regulatory Program

CFR Citation: 24 CFR 206

Completed:

Reason	Date	FR Cite
Final Action	06/09/89	54 FR 24822
Final Action Effective	07/24/89	54 FR 24822

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith V. May 202 755-5537

RIN: 2501–AA67

1014. IMPLEMENTATION OF SEC. 165 OF THE HCD ACT OF 1987--SOCIAL SECURITY RULE (S-4-88; FR-2501)

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 290; 24 CFR 750; 24 CFR 813; 24 CFR 840; 24 CFR 841; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 885; ...

Completed:

Reason	Date	FR Cite
Final Action	09/27/89	54 FR 39680
Final Action Effective	11/06/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward Murphy 202 755-7093

RIN: 2501–AA72

1015. INSURANCE OF PRICE LEVEL ADJUSTED MORTGAGES (INDEXED MORTGAGES) (S-5-88; FR-2518)

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234; 24 CFR 235

Completed:

Reason	Date	FR Cite
Withdrawn	08/24/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharmeen Dosky 202 755-7055

RIN: 2501–AA73

1016. ● URBAN DEVELOPMENT ACTION GRANTS PROGRAM; CHANGES TO PROJECT SELECTION SYSTEM (S-4-89; FR-2647)

Legal Authority: 42 USC 5318

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule amends the UDAG regulations by making adjustments to the points awarded in the project selection system for the purpose of adding criteria that reflect the Secretary's priorities to address critical needs for housing and economic development.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/89	54 FR 21388
Final Action	07/27/89	54 FR 31294
Final Action Effective	09/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy Priest, Acting Director, Office of Urban Development Action Grant, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6290

RIN: 2501–AA83

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of Housing (OH)

1017. RESTRICTIONS ON ALL-CASH SALES (AMENDMENT TO PART 200) (H-30-87; FR-2374)

Legal Authority: 12 USC 1703; 12 USC 1715b

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This interim rule is intended to prohibit assumptors of a mortgage, or other persons purchasing property subject to a mortgage, on which an insured claim has been paid by the Department, from participating in a HUD "all cash public sale."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Campbell, Director, Single Family Property Disposition, Division, Department of Housing and Urban Development, Office of Housing, **202 755-5740**

RIN: 2502–AE12

1018. MORTGAGEE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

Legal Authority: 12 USC 1710; 12 USC 1715(b); 12 USC 1709

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Legal Deadline: None

Abstract: Proposed rule is intended to impose graduated charges on mortgagees who convey FHA-insured properties to HUD with serious title defects. These charges would increase with the length of time required by the mortgagee to rectify the defects. Exploring the base on which the graduated charges will be calculated; i.e., whether to use a percentage of the total insured claim or materials averages of daily holding costs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jacqueline Campbell, Dir., Single Family Property Disposition, Division, Department of Housing and Urban Development, Office of Housing, **202 755-5740**

RIN: 2502–AE11

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Housing (OH)

1019. ● PRE-FORECLOSURE SALE OPTION (H-12-89; FR-2682)

Legal Authority: 12 USC 1710

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: Section 1064 of the Stewart N. McKinney Homeless Assistance Amendments Act of 1988 authorizes HUD to add pre-foreclosure sales to its roster of servicing options, as a means of saving the Department money and of assisting qualified mortgagors to avoid foreclosure of their FHA-insured mortgages. The Department may now pay a claim to a mortgagee to "bridge the gap" between the proceeds of a sale of the property to a third party buyer at current fair market value, and the original owner's indebtedness under the note. Until the Department received the authorization to pay these claims, such pre-foreclosure sales (or "short sales," as they are also known) were impracticable. At this time, implementing regulations are being planned to introduce the pre-foreclosure sale option throughout her Department.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Div., Department of Housing and Urban Development, Office of Housing, **202 755-6672**

RIN: 2502–AE72

1020. ● USE OF MATERIAL BULLETIN 40C - GRADEMARKING OF PLYWOOD (H-21-85; FR-2407)

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, **202 755-5718**

RIN: 2502–AD01

1021. CHANGES TO THE MINIMUM PROPERTY STANDARDS (H-40-88; FR-2599)

Legal Authority: 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR Part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) removing Federal agency standards for

solar energy and thermal insulation standards and referencing a model energy code instead; (4) relying on EPA approved local or State water purification systems with individual sources of unsafe water; (5) revising the time for periodic changes to the MPS; and (6) making technical changes to Section 100-1.2 and 100-1.3 Housing for the Elderly and Requirements for Accessibility to Physically Handicapped People in HUD Handbook 4910.1.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, **202 755-5718**

RIN: 2502–AE64

1022. ● LEAD-BASED PAINT POISONING PREVENTION - HUD-OWNED SINGLE FAMILY PROPERTY DISPOSITION (H-8-89; FR-2655)

Legal Authority: 42 USC 4821 to 4186

CFR Citation: 24 CFR 0200.815

Legal Deadline: None

Abstract: This proposed rule would revise the Lead-Based Paint Poisoning Prevention requirements that are applicable to the sale of HUD-owned one-to-four family dwellings when their use is intended for rehabilitation. The rule would permit the field office to require a nonoccupant purchaser to treat defective paint surfaces as a condition of sale with sufficient funds escrowed by the purchaser to assure payment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Campbell, Director, Single Family Property Disposition, Department of Housing and Urban Development, Office of Housing, **202 755-5740**

RIN: 2502–AE73

1023. REVISED UNDERWRITING AND LOAN ORIGINATION REQUIREMENTS FOR TITLE I LOANS (H-5-89; FR-2623)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would amend the Title I regulations to require that: (l) the lender shall conduct a personal or telephone interview with the borrower to ascertain the accuracy and completeness of the credit application; (2) all manufactured homes insured under Title I shall comply with federally prescribed site installation requirements; (3) the lender or its agent shall conduct a post- disbursement site inspection of the manufactured home to detect any program fraud or misrepresentation by the dealer or the borrower; (4) the use of manufactured home loan proceeds to finance the purchase of wheels and axles and extended warranty coverage is eliminated; and (5) the lender shall give the borrower written notice of the actions HUD may take to recover the debt if a claim is paid, including the assessment of administrative costs for servicing the loan. In addition, this rule would revise the present procedures for the annual adjustment of each lender's insurance reserve account.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Coyle, Director, Title I Insurance Div., Department of Housing and Urban Development, Office of Housing, **202 755-6680**

RIN: 2502–AE67

1024. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 4 CFR 203

Legal Deadline: None

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at that time, the mortgagee will be expected to produce all the supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and the required file contents for records supporting single family claim payments and mortgagee reviews.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502–AC50

1025. DEADLINE FOR FILING SINGLE FAMILY SUPPLEMENTAL CLAIMS (H-26-88; FR-2487)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203.400

Legal Deadline: None

Abstract: At present, there is no regulatory control over the time period during which mortgagees can submit applications for supplemental insurance benefits. The Department has instructed lenders to file these supplemental claims within one year of the date of the original insurance settlement. This information has so far been contained in the Instructions for Single Family Application for Insurance Benefits, Form HUD-27011. This rule will formalize the requirement that lenders follow this one-year filing period for supplemental claims.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

HUD—OH

Proposed Rule Stage

Government Levels Affected: Federal

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Div., Department of Housing and Urban Development, Office of Housing, 202 755-8680

RIN: 2502–AE51

1026. ● SINGLE FAMILY PROPERTY DISPOSITION SALES PROCEDURE (H-14-89; FR-2683)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This regulation will describe the policies and procedures applicable to the disposition of one-to-four family properties acquired as a result of the FHA mortgage insurance program. These policies and procedures are expected to enumerate the process for individuals, public agencies and organizations such as nonprofits to purchase and/or lease HUD properties.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline B. Campbell, Director, Single Family Property, Disposition Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502–AE75

1027. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15; PL 100-242, Sec 261

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: This rule would codify HUD policies for implementing section 250(a) and (b) of the National Housing Act, as added by section 433 of the Housing and Urban-Rural Recovery Act of 1983 and amended by section 261 of the Housing and Community Development Act of 1987. This rule would restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment. Additional requirements imposed on the prepayment of multifamily project mortgages by Title II, Subtitle B of the Housing and Community Development Act of 1987 have been implemented by separate rulemaking (FR-2450; H-10-88; RIN: 2502-AE34).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AC49

1028. ● AMENDMENTS TO MULTIFAMILY MORTGAGE INSURANCE PROGRAM REGULATIONS (H-15-89; FR-2684)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 221; 24 CFR 207.32a; 24 CFR 232

Legal Deadline: None

Abstract: As warranted by multifamily coinsurance study period, regulations will be revised to conform with programmatic changes made in coinsurance programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Brown, Deputy Director, Office of Insured Multifamily Housing, Development, Department of Housing and Urban Development, Office of Housing, 202 755-6560

RIN: 2502–AE77

1029. ● AMENDMENTS TO MULTIFAMILY MORTGAGE INSURANCE PROGRAM REGULATIONS - RETIREMENT SERVICE CENTERS (H-16-89; FR-2685)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 221

Legal Deadline: None

Abstract: As warranted by retirement service center study period, regulation will be revised to tighten program and underwriting requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Brown, Deputy Director, Office of Insured Multifamily Housing, Development, Department of Housing and Urban Development, Office of Housing, 202 755-6560

RIN: 2502–AE78

1030. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (H-3-86; FR-2158)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k); 12 USC 1701z-11; 12 USC 1701z-12

CFR Citation: 24 CFR 290; 24 CFR 886; 24 CFR 27

Legal Deadline: None

Abstract: This proposed rule would amend HUD regulations to implement section 181 of the Housing and Community Development Act of 1987 and section 1010 of the Stewart B. McKinney Homeless Assistance Amendments of 1988. Section 181

expanded the scope of section 203 of the Housing and Community Development Amendments of 1978 to include projects that are subject to a HUD-held mortgage and are delinquent, under a workout agreement, or being foreclosed upon by HUD. HUD, when it is owner or mortgagee-in-possession, and the owner in other situations now covered by section 203 must, to the greatest extent possible, maintain all such occupied projects in decent, safe, and sanitary condition and maintain full occupancy and must also maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible time. The statute directs HUD to provide not less than one of several specified forms of financial assistance to a purchaser other than HUD at foreclosure, or after sale by the Secretary. Section 1010 further amended section 203 to clarify which units in HUD-held unsubsidized projects (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: must be preserved for low and moderate income tenants and to provide procedures under which local governments and designated State agencies have a right of first refusal to purchase HUD-owned multifamily housing projects.

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502–AD43

1031. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR-2380)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, **202 755-5718**

RIN: 2502–AE10

1032. ● ADMINISTRATIVE INSTRUCTIONS COVERING VOLUNTARY TERMINATIONS (OPT-OUT) OF EXISTING SECTION 8 CONTRACTS AND EXPIRING LOAN MANAGEMENT SET-ASIDE (LMSA) CONTRACTS (H-17-89; FR-2689)

Legal Authority: Section 262 of the Housing & Community Development Act of 1987; Section 250(a)(1) of the National Housing Act

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886

Legal Deadline: None

Abstract: Owners are required to give HUD and the tenants a one-year notice of an intent to opt-out of a Section 8 contract where there are renewable terms remaining. A reason for opting-out must be given as well. Regarding expiring LMSA contracts, an owners is required to give HUD and the tenants a one-year notice before expiration of the contract.

Field Offices must offer to extend LMSA contracts for an additional two years, for contracts expiring prior to February 5, 1990. The Department will provide incentives to owners of projects who have submitted a notice of intent to voluntarily terminate their Section 8 contracts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE79

1033. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule will revise the Section 8 Certificate Program regulations in Part 882 to conform them to the extent practicable to the closely-related Housing Voucher Program regulations in Part 887, to implement certain statutory amendments to the Program under the Housing and Community Development Act of 1987 and to propose certain revisions based on programmatic experience. It will also implement several recent statutory amendments affecting the Certificate and Housing Voucher Programs and those amendments affecting other Section 8 Programs with respect to contract rent adjustments.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FR-2469 (RIN: 2502-AE44) and FR-2584 (RIN: 2502-AE63) have been merged into this item.

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 755-6887**

RIN: 2502–AD91

HUD—OH

Proposed Rule Stage

1034. ● SECTION 8 CERTIFICATE AND HOUSING VOUCHER PROGRAM--DENIAL AND TERMINATION OF ASSISTANCE FOR DRUG-RELATED ACTIVITIES (H-9-89; FR-2662)

Significance: Regulatory Program

Legal Authority: 42 USC 1427(f)

CFR Citation: 24 CFR 882; 24 CFR 887

Legal Deadline: None

Abstract: This proposed rule would revise Section 8 Certificate and Housing Voucher regulations to permit PHA to terminate assistance to participants and deny assistance to applicants who are involved in drug-related criminal activities or other serious criminal activities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly & Assisted, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE70

1035. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334; 24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None

Abstract: This proposed rule would amend Part 886, which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C; and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AD69

1036. CHANGES TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FROM THE CABO AND MHCSS COMMITTEES, DEPARTMENTAL STAFF AND OTHERS (H-4-89; FR-2622)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This proposed rule would update and amend various subparts of Part 3280 to reflect recommendations from industry, the Council of American Building Officials Manufactured Home Committee, and the Department's staff. Referenced standards would also be updated to reflect the Manufactured Energy Conservation Standards in Section 586 of the 1987 HCD Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE66

1037. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This rule would propose revisions to HUD enforcement regulations at 24 CFR Part 3282 to improve the effectiveness of Production Inspection Primary Inspection Agencies (IPIAs).

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD60

1038. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification, among other revisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD61

1039. MANUFACTURED HOME SAFETY STANDARDS - MONITORING INSPECTION FEE (H-2-89; FR-2613)

Legal Authority: 42 USC 5419

CFR Citation: 24 CFR 3282.307(b)

Legal Deadline: None

HUD—OH

Proposed Rule Stage

Abstract: States with a large number of manufacturing facilities have incurred additional expenses in monitoring and inspecting those facilities. As the regulation is now written, the monitoring inspection fee paid by the manufacturers to the Secretary is distributed to the states based on the number of new manufacturer housing units whose first location after leaving the plant is on the premises of a distributor, dealer, or purchaser in that state. 24 CFR 3282.307(b) will be amended to provide a more equitable distribution of the inspection fee proceeds that will take into account the additional expenses incurred by the states in which manufacturing facilities are located.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stuart Margulies, Program Analyst, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5798

RIN: 2502–AE65

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Housing (OH)

1040. TENANT PARTICIPATION IN MULTIFAMILY PROJECTS (H-11-88; FR-2451) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 183

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule provides for the applicability of the tenant participation requirements of section 202 of the HCDA of 1978 to section 202 elderly and handicapped projects. The rule also removes the Secretary's authority not to provide for tenant participation in certain owner actions and authorizes the application of the tenant participation requirements in the Secretary's proposal to sell a multifamily housing project.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Dir., Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE35

1041. SECTION 8 CERTIFICATE PROGRAM PROJECT-BASED ASSISTANCE (NEW CONSTRUCTION)(H-30-88; FR-2502)

Significance: Agency Priority

Legal Authority: 42 USC 1437f

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: Section 148 of the Housing and Community Development Act of 1987 amended section 8(d)(2) of the United States Housing Act of 1937 to require the Department to permit a PHA to attach not more than 15 percent of the section 8 Existing Housing Program assistance to existing structures if the owner agrees to rehabilitate the structure other than with assistance under the 1937 Act. Section 1005 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 requires the Department to permit PHA's to attach assistance, within the same 15 percent limit, to newly constructed units. This rule would implement these provisions by revising Subpart G to 24 CFR Part 882 for project-based certification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/04/89	54 FR 230
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and, Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE56

1042. AUTHORIZE ADDITIONAL TYPES OF LOANS FOR DIRECT ENDORSEMENT PROCESSING (H-4-88; FR-2433)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to make the following types of mortgages eligible for processing through the direct endorsement program as (1) those insured under sections 222 and 203(k) and (2) those insured pursuant to section 238(c) of the National Housing Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE48

1043. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

HUD—OH

Final Rule Stage

Abstract: Additional amendments to TMAP and Assignment rule are needed to reflect change in TMAP interest rate made by section 428 of the Housing and Community Development Act of 1987 and to assure that mortgagees inform mortgagors of the possible right to TMAP or assignment before they accept a deed in lieu of foreclosure from the mortgagor. (This rule was identified in earlier Agendas as RIN: 2502-AB79; H-29-81; FR-1415.) An effective date for the program has not yet been announced.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502–AD34

1044. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
Notice of Solicitation Public Comments	11/14/84	49 FR 45075
NPRM	06/10/87	52 FR 21961
NPRM Comment Period End	08/10/87	52 FR 21961
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured, Single Family Housing, Department of Housing and Urban Development, Office of Housing, **202 755-3046**

RIN: 2502–AD65

1045. SINGLE FAMILY MORTGAGE INSURANCE - OCCUPANT AND INVESTOR MORTGAGORS (H-16-88; FR-2456) 1987 HCD ACT

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 221; 24 CFR 222; 24 CFR 226; 24 CFR 233; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule would implement section 406 of the Housing & Community Development Act of 1987. Section 406 authorizes HUD (1) to insure single family mortgages under title II of the National Housing Act, or (2) to approve a substitute mortgagor for single family mortgages insured under title II, only if the mortgagor is to occupy the dwelling as a principal or secondary residence, as determined by HUD. Section 406 provides that this occupancy requirement only applies if the mortgage involve a principal obligation that exceeds 75 percent of the loan-to-value or equivalent calculation under the insuring authority involved. The action exempts from the occupancy requirement, mortgagors under the Rehabilitation Loan program under section 203(k) of the National Housing Act, and certain public entity, nonprofit, serviceperson, and other mortgagors under various National Housing Act activities.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38844
NPRM Comment Period End	12/02/88	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter, Dir., Single Family Development Division, Department of Housing and Urban Development, Office of Housing, **202 755-6700**

RIN: 2502–AE40

1046. ACTION TO REDUCE LOSSES UNDER FHA SINGLE FAMILY MORTGAGE INSURANCE PROGRAM (H-28-88; FR-2491)

Legal Authority: 12 USC 1715b; 12 USC 1735f(1); PL 100-242, Sec 407

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to implement section 407 of the Housing and Community Development Act of 1987. Where, as a result of an annual review, the Secretary finds a mortgagee with a higher than normal default and claim rate, the Secretary shall require the mortgagee to submit a report with a plan for corrective action. Failure to submit the report or complete the plan for corrective action within the timeframe required may be cause for suspension of the mortgagee from participation in FHA programs.

Timetable:

Action	Date	FR Cite
NPRM	05/22/89	54 FR 21978
NPRM Comment Period End	07/21/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Acting Deputy Asst. Sec. for Single Family, Housing, Department of Housing and Urban Development, Office of Housing, **202 755-6675**

RIN: 2502–AE52

HUD—OH

Final Rule Stage

1047. ● REFINANCING OF FHA-INSURED ADJUSTABLE RATE MORTGAGES (H-10-89; FR-2668)

Legal Authority: 12 USC 1709; 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: This rule would revise current regulations to make practicable a refinancing from an adjustable rate FHA mortgage to a fixed rate FAA mortgage. Existing regulations require a reduction in regular monthly mortgage payment on all FHA refinancings. This rule would exempt ARM's from that requirement.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AE71

1048. ● REVISION TO FHA INSURANCE ON HAWAIIAN HOMELANDS RULE AND TO ASSIGNMENT RULE TO REMOVE DEPENDENCE ON TMAP RULE (H-7-89; FR-2657)

Legal Authority: 12 USC 1715u

CFR Citation: 24 CFR 203.350; 24 CFR 203.350a; 24 CFR 203.404; 24 CFR 203.439; 24 CFR 203.654; 24 CFR 203.665

Legal Deadline: None

Abstract: This final rule will modify the rule for FHA mortgage insurance on Hawaiian Homelands to remove its dependence on the Temporary Mortgage Assistance Payments program rule, because that rule has never been made effective. This rule also (1) makes effective a previously proposed change to the Assignment Program for FHA insured mortgages not on Hawaiian Homelands requiring defaulted mortgagor to have reasonable prospects of repayment of the mortgage to be eligible for assignment and forbearance (to conform the rule to section 230 of the National Housing Act); and (2) adds a limit on the interest rate to be charged in the Assignment Program (to reflect a change made by the Housing and Community Development Act of 1987).

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: David Pinsky, Assistant General Counsel, for Home Mortgage, Department of Housing and Urban Development, Office of the General Counsel, 202 755-5303

RIN: 2502–AE74

1049. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 208

Legal Deadline: None

Abstract: This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment Period End	07/21/88	53 FR 20649
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE26

1050. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment Period End	02/19/88	52 FR 48276

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502–AC73

1051. PREPAYMENT OF MORTGAGES ON LOW- AND MODERATE-INCOME HOUSING (H-10-88; FR-2450) 1987 HCD ACT

Legal Authority: PL 100-242; PL 100-628

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248; 24 CFR 880; 24 CFR 881; 24 CFR 883

Legal Deadline: None

Abstract: The regulation implements provisions of the Housing and Community Development Act of 1987 that provide that mortgages on "eligible low income housing" may be prepaid only in accordance with a "plan of action" approved by the Secretary. The regulation establishes procedures for the submission and negotiation of such plans of action, lists incentives which may be part of the plan of action, and

provides standards which the plans of action must meet. The regulation is designed to preserve needed low income housing in cases where the project owner might otherwise prepay its mortgage and convert the project to higher-income use.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/88	53 FR 11224
Interim Final Rule Effective Date	05/20/88	53 FR 11224
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedure Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE34

1052. CAPITAL IMPROVEMENT FLEXIBLE SUBSIDY PROGRAM: LOANS 8 (H-34-88; FR-2541)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-1a

CFR Citation: 24 CFR 219

Legal Deadline: None

Abstract: This rule implements amendments made to section 201 of the Housing and Community Development Amendments of 1978 to broaden the categories of projects eligible for assistance under the Flexible Subsidy program and to create a program of loans for capital improvements to multifamily housing projects, under specified terms and conditions set out in the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/89	54 FR 9708
Interim Final Rule Effective	03/07/89	54 FR 9708
Interim Final Rule Comment Period End	05/08/89	54 FR 9708
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE55

1053. ● AMENDMENTS TO HUD MULTIFAMILY COINSURANCE PROGRAM REGULATIONS (H-13-89; FR-2681)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 251; 24 CFR 252; 24 CFR 255

Legal Deadline: None

Abstract: This rule revises regulations governing HUD's multifamily coinsurance programs which are intended to lessen the possibility of lender abuse and mismanagement, facilitate increased HUD oversight of participating lenders and strengthen overall program requirements in other areas as determined through program experience and public/private program evaluations. Changes include modified application approval procedures, enhanced HUD monitoring and lender sanction requirements, increased capitalization, liquidity and reserve requirements, limitations on maximum loan amounts, and strengthened loan underwriting, project management, loan servicing and property disposition procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank D. Brown, Deputy Director, Office of Insured Multifamily Housing, Development, Department of Housing and Urban Development, Office of Housing, **202 755-6500**

RIN: 2502–AE76

1054. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule that included this program was published in 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, **202 755-6887**

RIN: 2502–AD66

1055. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1987. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment Period End	02/08/88	52 FR 46614

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James J. Tahash, Director, Planning and Procedures

Division, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AC03

1056. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DURATION OF SECTION 202 FUND RESERVATION (H-33-88; FR-2536)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule amends HUD's regulations governing projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1937. The rule amends 24 CFR 885.230, duration of section 202 fund reservation (1) to permit HUD's Regional Office to extend the duration of fund reservation by an additional 12 months and (2) to add procedures governing the appeal of HUD decisions to cancel section 202 fund reservation as required by section 161(2) of the Housing and Community Development Act of 1987 (Pub. L. 100-242 approved February 5, 1988).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wilden, Director, Assisted Elderly & Handicapped, Housing Division, Department of Housing and Urban Development, Office of Housing, **202 426-8730**

RIN: 2502–AE58

1057. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DAVIS-BACON WAGE RATE (H-6-89; FR-2589)

Legal Authority: 12 USC 1701(q)(c)(3)

CFR Citation: 24 CFR 885.415; 24 CFR 885.420; 24 CFR 885.422

Legal Deadline: None

Abstract: This rule will implement a statutory change in the 202 direct loan program contained in sec. 162(b)(3) of the HCD Act of 1987, providing that Davis-Bacon wages are not required whenever a 202 Project contains 12 or fewer family units. (Before the Amendment, Davis-Bacon was applied to all section 202/8 projects, without regard to project size.)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Justin Logsdon, Assistant to the Secretary for, Labor Relations, Department of Housing and Urban Development, Office of the Secretary, **202 755-5370**

RIN: 2502–AE69

1058. SECTION 8 MODERATE REHABILITATION PROGRAM FOR SINGLE ROOM OCCUPANCY DWELLINGS FOR HOMELESS INDIVIDUALS (H-1-89; FR-2539)

Significance: Agency Priority

Legal Authority: PL 100-77; PL 100-404

CFR Citation: 24 CFR 890

Legal Deadline: Final, Statutory, November 7, 1989.
HUD is required to establish the requirements of this program by Notice within 60 days of enactment and by final rule within 12 months of enactment.

Abstract: The purpose of the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals is to provide rental assistance for homeless individuals in rehabilitated SRO housing. A Notice of Fund Availability was published on January 9, 1989, to announce the availability of $45 million for the program and to establish the requirements for participation in the program for Fiscal Year 1989. The Notice serves as a Notice of Proposed Rulemaking and invites comments for a period of 60 days. A statutory deadline was set for issuance of a final rule by November 7, 1989.

Timetable:

Action	Date	FR Cite
Notice of Fund Availability	01/09/89	54 FR 758
Proposed Rule Cross-Reference	01/09/89	54 FR 769
Final Action	11/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, **202 755-5720**

RIN: 2502–AE62

1059. REAL ESTATE SETTLEMENT PROCEDURES ACT -- CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub. L. 98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The rule will also contain miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment Period End	07/15/88	53 FR 17424

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Grant E. Mitchell, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, **202 755-6550**

RIN: 2502–AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Housing (OH)

1060. CRITERIA FOR DETERMINING UNUTILIZED OR UNDERUTILIZED FEDERAL PROPERTY AS SUITABLE FOR FACILITIES TO ASSIST THE HOMELESS (H-3-89; FR2620)

CFR Citation: 24 CFR 0000

Completed:

Reason	Date	FR Cite
Withdrawn - Transferred to Office of the Secretary (RIN: 2501-AA87)	08/08/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Bourne 202 755-9075

RIN: 2502–AE68

1061. COINSURANCE OF EQUITY LOANS (H-37-88, FR2560)

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248

Completed:

Reason	Date	FR Cite
Withdrawn	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hamernick 202 755-6500

RIN: 2502–AE60

1062. APPLICABILITY OF MINIMUM PROPERTY STANDARDS TO MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

CFR Citation: 24 CFR 200; 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter 202 755-6700

RIN: 2502–AB24

1063. AMENDMENTS TO THE TITLE I REGULATIONS (H-19-87; FR2370)

CFR Citation: 24 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	08/31/89	54 FR 36258
Final Action Effective	10/09/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert J. Coyle 202 755-6680

RIN: 2502–AE15

1064. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ann M. Sudduth 202 755-7330

RIN: 2502–AC54

1065. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

CFR Citation: 24 CFR 203; 24 CFR 234

Completed:

Reason	Date	FR Cite
Final Action	05/09/89	54 FR 19886
Final Action Effective	06/20/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502–AC92

1066. MORTGAGE INCOME REQUIREMENTS (H-18-87; FR-2333)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	09/20/89	54 FR 38646
Final Action Effective	10/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Morris E. Carter 202 755-6720

RIN: 2502–AD98

1067. MORTGAGE INSURANCE FOR THE ALLEGHENY RESERVATION OF THE SENECA NATION OF INDIANS (H-32-87; FR-2382)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	08/11/89	54 FR 32968
Final Action Effective	10/05/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502–AE09

1068. ELIGIBILITY REQUIREMENTS--MORTGAGEE APPROVAL (H-13-88; FR-2453)

CFR Citation: 24 CFR 203.2

Completed:

Reason	Date	FR Cite
Withdrawn	07/06/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Allison 202 755-6924

RIN: 2502–AE37

1069. METHOD OF PAYMENT OF MULTIFAMILY INSURANCE CLAIMS (H-38-88; FR-2571)

Significance: Agency Priority

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 233; 24 CFR 236; 24 CFR 251; 24 CFR 255

Completed:

Reason	Date	FR Cite
Withdrawn	08/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James B. Mitchell 202 426-4325

RIN: 2502–AE61

HUD—OH

Completed Actions

1070. NEHEMIAH OPPORTUNITY GRANTS PROGRAM (H-25-88; FR-2478) 1987 HCD ACT

Significance: Regulatory Program

CFR Citation: 24 CFR 280

Completed:

Reason	Date	FR Cite
Final Action	05/22/89	54 FR 22248
Final Action Effective	07/13/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Morris Carter 202 755-6720

RIN: 2502–AE45

1071. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

CFR Citation: 24 CFR 791

Completed:

Reason	Date	FR Cite
Withdrawn - Transferred to RIN: 2501-AA88	08/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Stephen Cooley 202 755-6454

RIN: 2502–AA73

1072. LOANS FOR THE ELDERLY OR HANDICAPPED - HOUSING FOR THE HANDICAPPED (H-23-88; FR-2476) 1987 HCD ACT

Significance: Regulatory Program

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	06/20/89	54 FR 25960
Final Action Effective	08/04/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Milner 202 755-6742

RIN: 2502–AE47

1073. LAND REGISTRATION (H-21-86)

CFR Citation: 24 CFR 1710

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lionel Cabrera 202 755-6924

RIN: 2502–AD54

1074. AMENDMENTS TO INTERSTATE LAND SALES REGISTRATION (H-47-86; FR-2503)

Significance: Agency Priority

CFR Citation: 24 CFR 1710

Completed:

Reason	Date	FR Cite
Final Action	10/04/89	54 FR 40863

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Roger G. Henderson 202 755-0502

RIN: 2502–AD81

1075. MANUFACTURED HOME CONSTRUCTION & SAFETY CONSTRUCTION ON SIDING & ROOFING MATERIALS & APPLICATION CRITERIA (H-8-87; FR-2327)

CFR Citation: 24 CFR 3280

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman 202 755-5718

RIN: 2502–AE06

1076. MANUFACTURED HOUSING ENERGY CONSERVATION STANDARDS (H-29-88; FR-2497) 1987 HCD ACT

CFR Citation: 24 CFR 3280.506

Completed:

Reason	Date	FR Cite
Withdrawn - Merged with FR-2622 (RIN: 2502-AE66)	08/08/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Donald R. Fairman 202 755-5718

RIN: 2502–AE53

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Community Planning and Development (CPD)

Proposed Rule Stage

1077. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None

Abstract: This revision would implement amendments to the State administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 60% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

HUD—CPD **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard J. Kennedy, Acting Director, State and Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6322

RIN: 2506–AA38

1078. MISCELLANEOUS REVISIONS OF PART 570 - 1987 HCD ACT (CPD-5-88; FR-2496)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The proposed rule would revise the Community Development Block Grant Program rules (24 CFR Part 570) for the entitlement and HUD-administered small cities programs, as necessary to implement certain changes in the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved Feb. 5, 1988), and the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989 (Pub. L. 100-404, approved Aug. 19, 1988). The requirements for States will be covered in the State proposed rules.

The proposed rule would address:

1. The new requirements for a citizens participation plan;

2. The circumstances under which a grant recipient may newly construct, or substantially reconstruct, housing where it is clear that such work is needed before the CDBG activity commences; (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT:

3. The circumstances under which a grant recipient may provide a 9-1-1 emergency services communication system serving an area having less than 51 percent low- and moderate-income residents and still be considered to meet the national objective of benefitting low- and moderate-income persons; and

4. The authority to use CDBG funds to pay special assessments for certain low- and moderate-income property owners to recover local costs incurred in providing public improvements serving an area having less than 51 percent low- and moderate-income persons, under the national objective of benefitting such persons.

Agency Contact: Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506–AA84

1079. COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAM (CPD-1-89; FR-2616)

Legal Authority: 42 USC 5307

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would revise and update the Department's procedures governing the issuance of technical assistance awards under Title I of the Housing and Community Development Act of 1974. It would clarify the Department's authority to make such awards and to make the procedures more efficient and cost-effective.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maggie H. Taylor, Technical Assistance Division, Office of Program Policy Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6090

RIN: 2506–AA90

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Final Rule Stage

1080. COMPREHENSIVE HOMELESS ASSISTANCE PLAN (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (CPD 9-89; FR-2386; FORMERLY S-1-89)

Significance: Agency Priority

Legal Authority: PL 100-628

CFR Citation: 24 CFR 574

Legal Deadline: Final, Statutory, November 7, 1989.
Final rule has statutory deadline of November 7, 1989.

Abstract: A notice implementing the 1988 McKinney amendments to the CHAP was published on December 28, 1988. The notice, which provides for public comment, will form the basis for a final rule to be published by November 1989.

Timetable:

Action	Date	FR Cite
Notice	12/28/88	53 FR 52600
Final Action	11/07/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James Forsberg, Coordinator, Special-Needs Assistance, Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6300

RIN: 2506–AA96

1081. UNIFORM RELOCATION ACT AMENDMENTS OF 1987-- TECHNICAL AMENDMENTS (CPD-3-89; FR2624)

Legal Authority: PL 100-17

CFR Citation: 24 CFR 236; 24 CFR 290; 24 CFR 510; 24 CFR 511; 24 CFR 570; 24 CFR 571; 24 CFR 575; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 905; ...

Legal Deadline: Final, Statutory, April 2, 1989.

HUD—CPD

Final Rule Stage

The 1987 Amendments to the Uniform Act become effective April 2, 1989.

Abstract: The 1987 Amendments to the Uniform Relocation Act (P.L. 100-17) make numerous changes to the Uniform Act. Among the changes is the expansion of coverage to displacement resulting from rehabilitation, demolition or privately undertaken acquisition carried out for a federally assisted project or program. For HUD-assisted community development and housing programs, the expanded coverage will apply to displacements occurring on or after April 2, 1989. The amendments will contain the necessary conforming changes to HUD programs consistent with the final governmentwide rule implementing the 1987 Amendments to the Uniform Act. (See Federal Register (53 FR 4964) dated February 19, 1988.)

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506–AA92

1082. SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS (CPD-10-89; FR-2585; FORMERLY S-3-89)

Legal Authority: 24 USC 11301

CFR Citation: 24 CFR 0401

Legal Deadline: Final, Statutory, November 6, 1989.

Abstract: A program to provide: (1) assistance to cover costs in excess of assistance provided under the Emergency Shelter Grants and Supportive Housing Demonstration programs that are required to meet the special needs of certain homeless populations or to facilitate the transfer and use of public buildings to assist the homeless; or (2) comprehensive assistance for particularly innovative programs for or alternative methods of, meeting the immediate and long-term needs of the homeless. No funds were appropriated for this program in FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/11/89	54 FR 988
Final Action	11/06/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL CONTACT PERSON: James Forsberg, Coordinator

Special-Needs Assistance Program

Office of Community Planning & Development

202-755-6300

Agency Contact: Edwin Stromberg, Office of Policy Development, Policy Development & Research, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-1520

RIN: 2506–AA97

1083. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA55

1084. RENTAL REHABILITATION PROGRAM (CPD-11-88; FR-2558)

Legal Authority: PL 100-242, Sec 150(b); PL 100-242, Sec 150(f)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule will implement sections 150(b) and 150(f) of the Housing and Community Development Act of 1987 which amend sections 17(a)(1)(A)and 17(k)(4), respectively, of the United States Housing Act of 1937. Section 150(b) makes eligible for rehabilitation grant funds property that will be privately owned upon completion of rehabilitation. The previous authorizing legislation and current regulations limit the use of rehabilitation grant funds to properties that are (and continue to be) privately owned. Section 150(f) expands the definition of "privately owned real property to be used primarily for residential rental purposes" (and thus eligible for rehabilitation grant funds) to include housing that is owned by a State or locally chartered, neighborhood based, nonprofit organization the primary purpose of which is the provision and improvement of housing.

Timetable:

Action	Date	FR Cite
NPRM	06/21/89	54 FR 26164
NPRM Comment Period End	08/21/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of

Community Planning and Development, 202 755-5970

RIN: 2506–AA88

1085. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37162
NPRM Comment Period End	12/04/87	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-1871

RIN: 2506–AA66

1086. CONSERVING NEIGHBORHOODS BY PROHIBITING DISPLACEMENT (CPD-3-88; FR-2474) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This interim rule implements section 509 of the Housing and Community Development Act of 1987 which requires an antidisplacement program as a condition to CPDG or UDAG amount.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 31234
Interim Final Rule Comments Due	10/17/88	53 FR 31234

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Div., Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6336

RIN: 2506–AA82

1087. EMERGENCY SHELTER GRANTS PROGRAM (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (CPD-11-89; FR-2562; FORMERLY S-6-88)

Legal Authority: PL 100-628

CFR Citation: 24 CFR 576

Legal Deadline: Final, Statutory, November 7, 1989.
Final rule has statutory deadline of November 7, 1989.

Abstract: A notice implementing the 1988 McKinney amendments to the ESG program was published on January 9, 1989. The notice, which provides for public comment, will form the basis for a final rule to be published by November 1989.

Timetable:

Action	Date	FR Cite
Notice	01/09/89	54 FR 750
Final Action	11/07/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: James Forsberg, Coordinator, Special-Needs Assistance, Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6300

RIN: 2506–AA95

1088. ● SUPPORTIVE HOUSING DEMONSTRATION PROGRAM (CPD-12-89; FR-2581)

Significance: Agency Priority

Legal Authority: Stewart B. McKinney Homeless Assistance Act, Title I Subtitle C

CFR Citation: 24 CFR 840; 24 CFR 841

Legal Deadline: Final, Statutory, November 6, 1989.

Abstract: This rule amends the final rule (published June 24, 1988 at 53 FR 23898) to reflect amendments to the program made by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, approved November 7, 1988. The Supportive Housing Demonstration program includes Transitional Housing (Part 840) and Permanent Housing for Handicapped Homeless (Part 841).

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	54 FR 736
NPRM Comment Period End	03/27/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Forsberg, Coordinator, Special Needs Assistance Program, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-9075

RIN: 2506–AA98

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Completed Actions

1089. SECRETARY'S DISCRETIONARY FUND - WORK STUDY PROGRAM (CPD-4-88; FR-2475) 1987 HCD ACT

CFR Citation: 24 CFR 0570

Completed:

Reason	Date	FR Cite
Final Action	06/27/89	54 FR 27128
Final Action Effective	09/11/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Turk 202 755-6092

RIN: 2506–AA81

1090. IMPLEMENTATION OF PROHIBITION ON USE OF UDAG GRANTS FOR BUSINESS RELOCATION (CPD-6-88; FR-2500)

CFR Citation: 24 CFR 0570

Completed:

Reason	Date	FR Cite
Final Action	05/16/89	54 FR 21166
Final Action Effective	07/11/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley Newman 202 755-6290

RIN: 2506–AA86

1091. ● REVISION OF SUBPART E, PART 570 TO PROVIDE INCREASED LOCAL DISCRETION IN APPLYING LIMITATIONS ON SPECIAL PROJECTS EXPENDITURES (CPD-2-89; FR-2669)

Significance: Agency Priority

Legal Authority: 42 USC 5304(a)(8)

CFR Citation: 24 CFR 570.410

Legal Deadline: None

Abstract: This rule will provide local discretion, to units of government receiving Special Purpose Program grants under Subpart E of Part 570, to calculate the amount of grant funds eligible to be spent for "public service" activities in either of two ways, for the purpose of increasing the amount of grant funds that may be spent on public service activities.

Timetable:

Action	Date	FR Cite
Final Action	08/01/89	54 FR 31670
Final Action Effective	10/03/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Leroy Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506–AA93

1092. ● CDBG - FAIR HOUSING REQUIREMENTS (CPD-5-89; FR-2658)

Legal Authority: 42 USC 5301-20; 42 USC 3601-20

CFR Citation: 24 CFR 0570.206; 24 CFR 0570.601; 24 CFR 0570.904

Legal Deadline: None

Abstract: This rule amends the CDBG regulation to codify statutory revisions adding new protected classes (handicapped and family status) under the Fair Housing Act (Title VIII of the Civil Rights Act of 1968).

Timetable:

Action	Date	FR Cite
Final Action	09/08/89	54 FR 37410
Final Action Effective	10/11/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Laurence Pearl, Director, Office of Program Standards, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5288

RIN: 2506–AA94

1093. URBAN HOMESTEADING PROGRAM; IMPLEMENTING OF 1987 STATUTORY AMENDMENTS AND REVISION OF SELECTED PROGRAM PROCEDURES (CPD-1-88; FR-2451)

Significance: Agency Priority

CFR Citation: 24 CFR 590

Completed:

Reason	Date	FR Cite
Final Action	06/02/89	54 FR 23932
Final Action Effective	07/17/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Burk 202 755-5327

RIN: 2506–AA79

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Government National Mortgage Association (GNMA)

Completed Actions

1094. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

CFR Citation: 24 CFR 390

Completed:

Reason	Date	FR Cite
Withdrawn	08/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy 202 755-7260

RIN: 2503–AA03

1095. GNMA MORTGAGE-BACKED SECURITIES (GNMA-1-88; FR-2548)

CFR Citation: 24 CFR 390

Completed:

Reason	Date	FR Cite
Withdrawn	06/07/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert P. Kalish 202 755-5593

RIN: 2503–AA06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Prerule Stage

1096. ● FAIR HOUSING ENFORCEMENT SUPPORT PROGRAM; PROGRAM DESCRIPTION AND ELIGIBILITY CRITERIA (FHEO-2-89; FR-2687)

Legal Authority: 42 USC 3601 to 19

CFR Citation: 24 CFR 111; 24 CFR 120; 24 CFR 125

Legal Deadline: None

Abstract: Proposed new rule would create a consolidated, streamlined program. The redesign would consolidate three funding programs--FHAP; CHRB and FHIP to eliminate duplication of effort and overlapping of voluntary and enforcement activities undertaken by agencies. The major funding component of this program will be formula-driven according to the population of the participating jurisdictions.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
ANPRM Comment Period End	06/00/90	
NPRM	08/00/90	
NPRM Comment Period End	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Wagner Jackson, Director, Office of Fair Housing, Enforcement & Section 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6836

RIN: 2529–AA43

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1097. ● NONDISCRIMINATION IN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS (FHEO-1-89; FR-2629)

Legal Authority: 42 USC 5309

CFR Citation: 24 CFR 000

Legal Deadline: None

Abstract: The regulation will provide for procedural rules under Section 109 of the Housing and Community Development Act of 1974, which prohibits discrimination based on race, color, national origin, or sex in any program funded under the Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	03/00/90	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Eleanor G. Clagett, Director, Program Compliance Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5404

RIN: 2529–AA42

1098. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529–AA28

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Final Rule Stage

1099. CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SEC. 504 OF THE REHAB ACT AND OTHER AUTHORITIES (FH&EO-3-88; FR-2531)

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 735

Legal Deadline: None

Abstract: Conforming HUD rules to comply with Sec. 504 of the Rehabilitation Act and other authorities.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Pearl, Program Standards and Evaluation, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-5288

RIN: 2529–AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Completed Actions

1100. REDESIGN FOR FAIR HOUSING ASSISTANCE PROGRAM (FHEO-2-87; FR-2403)

Significance: Agency Priority

CFR Citation: 24 CFR 111

Completed:

Reason	Date	FR Cite
Final Action	05/09/89	54 FR 20094
Final Action Effective	06/20/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Maxine Cunningham 202 755-0455

RIN: 2529–AA33

1101. FAIR HOUSING - COORDINATION OF EXECUTIVE AGENCY AND REGULATORY AGENCY AFFIRMATIVE ADMINISTRATION OF PROGRAMS IN CONNECTION WITH HUD (FH&EO-1-88; FR-2480)

CFR Citation: 24 CFR 125

Completed:

Reason	Date	FR Cite
Withdrawn Merged with FR-2562 (RIN: 2501-AA74)	04/10/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Wagner D. Jackson 202 755-6836

RIN: 2529–AA36

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Prerule Stage

1102. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Albert M. Miller, Deputy Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, 202 755-6310

RIN: 2535–AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Proposed Rule Stage

1103. HUD ACQUISITION REGULATION (ADM-2-88; FR-2473)

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The proposed rule will update the HUD Acquisition Regulation to conform to changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, Department of Housing and Urban Development, Office of Administration, 202 755-5294

RIN: 2535–AA16

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Administration (OA)

Final Rule Stage

1104. OMB CIR. A-110, UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (ADM-1-87; FR-2376)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None

Abstract: This rule is part of a government-wide common rule to provide uniformity to the administrative requirements for grants and agreements with universities, hospitals and other nonprofit organizations.

HUD—OA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward L. Girovasi, Jr., Director, Policy & Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA15

1105. REVISIONS OF HUDAR TO REFLECT CHANGES IN GNMA PROCUREMENT PROCEDURES (ADM-3-88; FR-2534)

Legal Authority: 42 USC 3535

CFR Citation: 48 CFR 2401; 48 CFR 2402

Legal Deadline: None

Abstract: Rule to amend HUDAR to clarify circumstances under which GNMA may exercise its "statutory procurement authority" without regard to FAR or FIRMR. The rule will direct that all HUD procurement policy regulations and procedures are the responsibility of the Assistant Secretary for Administration except transactions between GNMA and issuers of mortgage-backed securities in furtherance of GNMA's guaranty of such securities.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Gladys Gines, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1106. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (P-10-88; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates for public housing maintenance employees under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Justin Logsdon, Assistant to the Secretary for Labor, Relations, Department of Housing and Urban Development, Office of the Secretary, **202 755-5370**

RIN: 2577–AA68

1107. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and are within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3944.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577–AA07

1108. PUBLIC AND INDIAN HOUSING; CEILING RENTS (P-2-89; FR-2529) 1987 HCD ACT

Legal Authority: 42 USC 1437a; PL 100-242, Sec 102(a)

CFR Citation: 24 CFR 0913

Legal Deadline: None

Abstract: Rule to permit PHAs and IHAs to adopt, with HUD approval, rents for projects or dwelling units that would establish a cap, or ceiling on the income-based rent as currently calculated under 24 CFR 913.107, that are not more than the income-based rent and not less than the average monthly amount of debt service and operating expenses attributed to units by similar size in housing projects owned and operated by the PHA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development,

Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA57

1109. LEAD-BASED PAINT POISONING PREVENTION ACT -- STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT OF 1988 -- SECTION 1088 (P-19-88; FR-2583)

Significance: Agency Priority

Legal Authority: 42 USC 4821; PL 100-628

CFR Citation: 24 CFR 941; 24 CFR 965; 24 CFR 966; 24 CFR 968; 24 CFR 35

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by section 1088 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628). The amendments make a number of changes to the Lead-Based Paint Poisoning Prevention Act, including the possible selection of the 1978 CPSC standard for lead in paint of .06 percent by weight of the dry paint film as a criteria for determining when, and to what extent, abatement in public housing will be required; adding dust containing lead to the hazard to be abated; and adding atomic absorption spectroscopy (AAS) as an acceptable method of testing for lead-based paint and dust containing lead.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6550

RIN: 2577–AA78

1110. ● SELECTION OF FAMILIES FROM THE WAITING LIST IN ASSISTED HOUSING PROGRAM (P-4-89; FR-2663)

Legal Authority: 42 USC 1437(n)(c)

CFR Citation: 24 CFR 960

Legal Deadline: None

Abstract: Section 1001(a)(3) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 amended section 16(c) of the U.S. Housing Act of 1937 to prohibit project owners from selecting families for residence in an order different from the order on the waiting list for the purpose of selecting relatively higher income families for residence. In addition, section 1001(b) of the 1988 Amendments amends section 6(c)(4)(A) of the 1937 Act to extend the prohibition to public housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA79

1111. PHA OBLIGATIONS WITH RESPECT TO RESIDUAL RECEIPTS IN THE PUBLIC HOUSING, TURNKEY III, AND SEC. 23 PROGRAMS; (P-2-87; FR2354; FORMERLY H-27-87)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None

Abstract: This rule would reiterate the requirement of the Annual Contributions Contract that a PHA must submit to HUD its residual receipts within 60 days of the end of its fiscal year. The rule would also prescribe the method for determining the rate of interest due when residuals are not remitted on time. The rule will contain provisions for retention of residual receipts by the PHA under certain circumstances.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Office of Policy & Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA49

1112. PERFORMANCE FUNDING SYSTEM REVISIONS (87 ACT)-- FORMAL REVIEW PROCESS ENERGY CONSERVATION SAVINGS, AUDIT RESPONSIBILITIES (P-12-88; FR-2504)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990; 24 CFR 965

Legal Deadline: None

Abstract: This rule would implement section 118(a) and 118(d). Section 118(a) requires HUD to amend the Performance Funding System, among other things, to provide for a formal review process for PHAs to obtain a change in allowable expense level to correct inequities in the original base year expense level, to correct for changes in operating circumstances and to reflect the level of economic distress of the locality. Section 118(d) also provides for sharing of the savings between a PHA and HUD for energy conservation improvements, and for preservation of subsidy when several units are rehabilitated and combined into fewer units. In addition, the rule would specify what requirements an insurance company or other risk protection provider must satisfy in order for the coverage to comply with ACC insurance requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA71

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Public and Indian Housing (PIH)

1113. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule would establish procedures for the approval and funding of replacement housing for public housing units that have been demolished or disposed of. In addition, this rule would require that HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule would also require HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs would be prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA58

1114. IMPLEMENTATION OF PERCENTAGE LIMIT PROVISIONS UNDER SECTION 16 OF THE UNITED HOUSING ACT OF 1937 (P-7-88; FR-2465) 1987 HCD ACT

Significance: Agency Priority

Legal Authority: 42 USC 1437n

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would establish admission procedures which set differing percentage limitations on admission of lower income families in separate assisted housing programs that when aggregated will achieve the overall 5 percent limitation on occupancy under public housing annual contribution contracts and section 8 housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15412
NPRM Comment Period End	05/31/88	53 FR 15412
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA60

1115. PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM (P-20-88; FR-2592)

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: The Public Housing Drug Elimination Act of 1988 establishes a new HUD-administered categorical grant program to help PHA's and IHA's to eliminate drug-related crime in public and Indian housing.

Timetable:

Action	Date	FR Cite
NPRM	06/21/89	54 FR 26154
NPRM Comment Period End	08/21/89	54 FR 26154
NOFA	09/18/89	54 FR 38496
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Wayne Hunter, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA76

1116. INDIAN HOUSING PROGRAM--REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Significance: Regulatory Program

Legal Authority: 25 USC 450e(b); PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will consolidate relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as amended by the Indian Housing Act of 1988. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory authority governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24554
NPRM Comment Period End	09/27/88	53 FR 24554
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-1015**

RIN: 2577–AA32

1117. PUBLIC HOUSING - TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

HUD—PIH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment Period End	09/22/86	51 FR 26504
Final Action	08/30/88	53 FR 33216
Final Rule Withdrawn	02/15/89	54 FR 6886

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577–AA18

1118. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from master metered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6640**

RIN: 2577–AA27

1119. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This rule amends Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38470
NPRM Comment Period End	12/04/87	52 FR 38470

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6640**

RIN: 2577–AA40

1120. PUBLIC HOUSING CIAP AND COMPREHENSIVE GRANT PROGRAM (P-8-88; FR-2488)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 119

CFR Citation: 24 CFR 968

Legal Deadline: None

Abstract: Section 119 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) began a two-part legislative process designed to develop a Comprehensive Grant Program (CGP) which would provide an improved means of allocating funds for the modernization of public housing for PHAs that own or operate a total of 500 or more units.

Section 119 contemplates the adoption, by the Congress, of a follow-up statute providing for a revised method for allocating assistance under the new program. Until this additional legislation is approved, HUD's current method of allocating funds will continue in effect.

The Department is developing procedural rules to govern administration of the new CGP under the new system outlined in section 119, and published a proposed rule on this subject on October 27, 1988. The proposed rule also proposed simplifying the current CIAP program and limiting it to PHAs that own or operate fewer than 500 units. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43648
NPRM Comment Period End	12/27/88	53 FR 43648
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT:

A final rule limited the simplification of the current CIAP program should be promulgated in October 1989. After a new statutory formula is adopted, the Department will publish a final rule linking the statutory allocation method with the previously promulgated procedural rule.

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA66

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Public and Indian Housing (PIH)

1121. ESTABLISHMENT OF PREFERENCE FOR ELDERLY AND NEAR ELDERLY FAMILIES (P-13-88; FR-2505)

CFR Citation: 24 CFR 905; 24 CFR 960

Completed:

Reason	Date	FR Cite
Final Action	05/12/89	54 FR 20758
Final Action Effective	06/23/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple 202 426-0744

RIN: 2577–AA69

1122. CHANGE IN CONSOLIDATED SUPPLY PROGRAM (CSP) (P-11-88; FR2482)

CFR Citation: 24 CFR 965

Completed:

Reason	Date	FR Cite
Final Action	05/30/89	54 FR 22866
Final Action Effective	07/13/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael E. Diggs 202 472-4703

RIN: 2577–AA67

[FR Doc. 89-21722 Filed 10-27-89; 8:45 am]

BILLING CODE 4210-01-T

federal register

Monday
October 30, 1989

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Ch. I

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between October 1989 and April 1990. An agenda is required by Executive Order 12291 and the Regulatory Flexibility Act.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Management Improvement, Department of the Interior, 18th and C Streets NW., MIB-2242, Washington, DC 20240, or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued and currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1989-90 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

Dated: August 31, 1989.

Charles E. Kay,

Acting Assistant Secretary, Policy, Budget and Administration.

Assistant Secretary for Policy, Budget, and Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1123	Natural Resource Damage Assessments	1090-AA21
1124	Natural Resource Damage Assessments	1090-AA22
1125	Certification of Non-Delinquency by Applicants for Federal Financial Assistance	1090-AA25

Assistant Secretary for Policy, Budget, and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1126	Department of the Interior Acquisition Regulation	1090-AA13
1127	Department of the Interior Acquisition Regulation	1090-AA14
1128	Natural Resource Damage Assessments	1090-AA23
1129	Department of the Interior, Nonprocurement Debarment and Suspension Regulation	1090-AA24

Assistant Secretary for Policy, Budget, and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1130	Department of the Interior, Procurement Ethics Regulation	1090-AA15

DOI

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1131	Practices Before the Department	1092-AA00

Office for Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1132	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1091-AA02

Office for Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1133	Federally Assisted Programs or Activities of the Department of the Interior, Nondiscrimination on the Basis of Handicap	1091-AA03

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1134	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1135	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA37

Office of Hearings and Appeals—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1136	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA30
1137	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA31

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1138	Migratory Bird Hunting	1018-AA24

DOI

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1139	Marine Mammals: Native Exemptions	1018-AA20
1140	Endangered Species Convention	1018-AA29
1141	Public Entry and Use	1018-AA36
1142	Refuge-Specific Sport Fishing Regulations	1018-AA50
1143	Refuge-Specific Hunting Regulations	1018-AA71
1144	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1145	Subsistence Take of Migratory Birds in Alaska	1018-AB03
1146	Captive Bred Wildlife	1018-AB10
1147	Implementation of Klamath River Basin Fishery Resources Restoration Act	1018-AB11
1148	Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs	1018-AB13
1149	Administrative Requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts	1018-AB15
1150	National Wildlife Refuges: Adding to Areas Open to Hunting and Fishing	1018-AB25
1151	Endangered and Threatened Wildlife and Plants; Designated Ports for Plants	1018-AB28
1152	Endangered and Threatened Wildlife and Plants: Revision of Special Regulations for the Grizzly Bear	1018-AB29
1153	Highly Traded Appendix II Species	1018-AB30
1154	Injurious Wildlife: Brown Tree Snakes	1018-AB33
1155	Amendments to the Marine Mammal Protection Act	1018-AB34
1156	Endangered and Threatened Wildlife and Plants	1018-AB35
1157	Endangered and Threatened Wildlife and Plants	1018-AB36

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1158	Importation, Exportation, and Transportation of Wildlife	1018-AA79
1159	Endangered and Threatened Wildlife and Plants	1018-AA84
1160	Endangered and Threatened Wildlife and Plants	1018-AA85
1161	Subsistence Take of Migratory Birds	1018-AA92
1162	Endangered and Threatened Wildlife and Plants	1018-AA95
1163	Marine Mammals: Incidental Taking by Commercial Fishing Operations	1018-AA96
1164	Endangered and Threatened Wildlife and Plants	1018-AA98
1165	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1166	Endangered and Threatened Wildlife and Plants	1018-AB02
1167	Marine Mammals: Take of Small Numbers Incidental to Specified Activities	1018-AB05
1168	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish	1018-AB09
1169	Endangered and Threatened Wildlife and Plants	1018-AB14
1170	Marine Mammals: Change definition of U.S. Citizen	1018-AB16
1171	Endangered and Threatened Wildlife and Plants	1018-AB18
1172	Endangered and Threatened Wildlife and Plants; Special Rules for Mammals	1018-AB19
1173	Designated Port Status for Portland, Oregon	1018-AB21
1174	Humane Transport of Wild Mammals and Birds Amendments	1018-AB22
1175	Endangered and Threatened Wildlife and Plants	1018-AB23
1176	Determination of Experimental Population Status for an Introduced Population of Guam Rails on Rota in the Commonwealth of the Northern Mariana Islands	1018-AB26
1177	Endangered and Threatened Wildlife and Plants	1018-AB31
1178	Endangered and Threatened Wildlife and Plants; Northern Spotted Owl	1018-AB32
1179	Migratory Bird Permits	1018-AB37

United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1180	Endangered and Threatened Wildlife and Plants	1018-AA10
1181	Fish and Wildlife Restoration Grants; Interest Earned on License Fees	1018-AA97
1182	Injurious Wildlife: Mitten Crabs	1018-AB04
1183	Endangered and Threatened Wildlife and Plants	1018-AB06

DOI

United States Fish and Wildlife Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1184	Proposed Determination of Nonessential Experimental Population Status for an Introduced Population of the Nashville Crayfish in Tennessee	1018-AB12
1185	Importation, Exportation, and Transportation of Wildlife	1018-AB20
1186	Program Requirements, Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration Acts	1018-AB24
1187	Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Threatened Concho Water Snake (Nerodia Harteri Paucimaculata)	1018-AB27

National Park Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1188	Indiana Dunes National Lakeshore: Zoning Standards	1024-AB79
1189	Apostle Islands National Lakeshore: Snowmobiling	1024-AB80
1190	Yellowstone National Park: Commercial Traffic on U.S. Highway 191 within Yellowstone National Park	1024-AB82

National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1191	Archeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1192	Protection of Archaeological Resources; Uniform Regulations	1024-AA51
1193	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1194	Mammoth Cave NP: Fishing	1024-AA94
1195	Appalachian National Scenic Trail	1024-AB07
1196	Minerals Management - Non-Federal Oil and Gas	1024-AB39
1197	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1198	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1199	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1200	Glen Canyon National Recreation Area: Commercial Operations and Whitewater Boating Regulations	1024-AB72
1201	Minerals Management: Nonfederal Minerals Other Than Oil and Gas	1024-AB75
1202	Sequoia and Kings Canyon National Parks: Fishing Regulations	1024-AB76
1203	Yosemite National Park; Wawona Zoning Regulations	1024-AB77
1204	Lake Mead National Recreation Area: Glass Beverage Containers	1024-AB84
1205	Ozark National Scenic Riverways: Power Boat Operation	1024-AB85
1206	Voyageurs National Park: Snowmobiling	1024-AB86
1207	Recreation Fees	1024-AB87
1208	Voyageurs National Park: Designation of Aircraft Landing Areas	1024-AB88
1209	National Register of Historic Places	1024-AB89

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1210	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1211	National Register of Historic Places	1024-AA44
1212	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46
1213	NPS Units in Alaska: Closure Regulations	1024-AA71
1214	Fire Island National Seashore: Zoning	1024-AA80
1215	Cape Cod National Seashore: Off-Road Vehicle Regulations	1024-AA91
1216	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1217	Everglades NP: Mining	1024-AB10
1218	Curation of Federally Owned and Administered Archeological Collections	1024-AB13
1219	Lake Chelan NRA: Target Practice	1024-AB19

DOI

National Park Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1220	Ross Lake NRA: Target Practice	1024-AB28
1221	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1222	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1223	Canyon De Chelly National Monument	1024-AB47
1224	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1225	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1226	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1227	Historic Preservation Certifications Pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986	1024-AB73
1228	Management of Mineral Development Associated with Mining Claims	1024-AB74
1229	Alaska Region: Same-Day-Airborne Hunting Regulations	1024-AB81
1230	Vehicles and Traffic Safety: Mandatory Seatbelt Regulation	1024-AB83
1231	Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance	1024-AB90

National Park Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1232	Whiskeytown Unit, Whiskeytown - Shasta - Trinity NRA Gold Panning Regulations	1024-AB71
1233	Katmai National Park and Preserve Fishing Regulations	1024-AB78

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1234	Administration of a Program of Employment Assistance for Adult Indians	1076-AA04
1235	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1236	Leasing and Permitting	1076-AA29
1237	Roads of the Bureau of Indian Affairs	1076-AB05
1238	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1239	Individual Indian Money Accounts	1076-AB91
1240	The Indian Police	1076-AB98
1241	Financial Assistance and Social Services Program	1076-AB99
1242	Financial Assistance and Social Services Program	1076-AC13
1243	School Boards	1076-AC14
1244	Small Estates - Osage	1076-AC18
1245	Certificates of Degree of Indian Blood	1076-AC19
1246	Revised Procedures for Implementation of the Indian Self-Determination and Education Assistance Act Amendments of 1988	1076-AC20
1247	Preparation of a Roll of the Coquille Indian Tribe	1076-AC21
1248	Housing Improvement Program	1076-AC22
1249	Protection of Archaeological Resources	1076-AC23

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1250	Law and Order on Indian Reservations	1076-AA01
1251	Administration of the Higher Education Program	1076-AA10
1252	Administration of the Indian Adult Education Programs	1076-AA15
1253	Navajo Grazing Regulations	1076-AA33
1254	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1255	Leasing of Allotted Lands for Mining	1076-AA39

DOI

Bureau of Indian Affairs—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1256	Indian Business Development Program	1076-AA55
1257	Buy Indian Act Contracting	1076-AA56
1258	Oil and Gas Mineral Agreements	1076-AA82
1259	Attorney Fee Contracts with Indian Tribes; Payment of Tribal Attorney Fees with Federally Appropriated Funds	1076-AB87
1260	Rights-of-Way Over Indian Lands	1076-AB89
1261	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AC09
1262	Preparation of Rolls of Indians	1076-AC11

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1263	Appeals from Administrative Actions	1076-AB21
1264	Management of Osage Judgment Funds for Education and Socio-Economic Programs	1076-AB51
1265	Loans to Indians from the Revolving Loan Fund	1076-AC00
1266	Loan Guaranty, Insurance, and Interest Subsidy	1076-AC01
1267	Procedures for Establishing that an American Indian Group Exists as an Indian Tribe	1076-AC15

Minerals Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1268	Removal of Federal Funding Limitation from State and Indian Cooperative Agreements	1010-AB36

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1269	Air Quality - Offshore California	1010-AA61
1270	Recoupments and Refunds of Excess Payments Under Federal Offshore Mineral Leases	1010-AB11
1271	Revision of Regulation Governing Effectiveness of Decisions and Orders Pending Appeal	1010-AB13
1272	Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), Subpart O, Training	1010-AB21
1273	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Subpart P, Sulphur Operations	1010-AB23
1274	Amendment of Dual Accounting Requirement in Gas Valuation Regulations	1010-AB28
1275	Amendment of Valuation Benchmarks in Gas Regulations	1010-AB29
1276	Amendments to 30 CFR 250.52 to Add Requirements Intended to Prevent Occurrence of Accidental Fires Caused by Falling Slag from Welding or Burning	1010-AB31
1277	Clarification of Dates for Release to the Public of Certain Data and Information Submitted in Association with Drilling and Production Operations	1010-AB34
1278	Assessment for Failure to Submit Payment of Same Amount with Report or Bill or to Provide Adequate Information	1010-AB35
1279	Serving of Official Correspondence Issued by the Royalty Management Program	1010-AB37
1280	Amendment to the Regulations Concerning the Requirement for Submission of a Corporate Surety Bond to Indemnify the U.S. From Default by a Lessee on the Conditions and Terms of an OCS Lease	1010-AB38
1281	Regulations Governing Recoupment of Overpayments on Indian Leases	1010-AB40

DOI

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1282	Revision of Royalty Valuation Regulations Governing Gas Sales Under Percentage-of-Proceeds Contracts	1010-AB17
1283	Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Safety and Pollution-Prevention Equipment	1010-AB19
1284	Geothermal Resources Used to Generate Electricity, Product Valuation for Royalty Purposes	1010-AB22
1285	Limitation of the Director's Authority for Discretionary Release of Postlease Proprietary Data and Information	1010-AB30
1286	Revision of Regulations Governing Interest Rate Applicable to Late Payments and Underpayments	1010-AB32
1287	Appeals Procedures	1010-AB39

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1288	Nondiscrimination in Employment in the Outer Continental Shelf	1010-AA87
1289	Air Quality -- Outer Continental Shelf Wide	1010-AB14
1290	Amendment to 30 CFR 250.4 and 250.34(j) to Add Guidelines for the Acceptance of Contributions for Mission Activities such as the Preparation of Environmental Impact Statements	1010-AB33

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1291	Surface Coal Mining and Reclamation Operations; Two Acre Exemption Repeal	1029-AB16
1292	Assessment Conference Scheduling	1029-AB22
1293	Reprocessing Coal Waste	1029-AB23
1294	Interim Program Revisions	1029-AB24
1295	Federal Regulatory Programs; Permit Application Fees	1029-AB29

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1296	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1297	Reclamation Technology Rule	1029-AA57
1298	Federal Lands Program	1029-AA76
1299	Permanent Program Performance Standards; Highwall Policy	1029-AB10
1300	Federal Regulatory Programs; Permit Application Fees	1029-AB15

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1301	Permanent Regulatory Program; Requirements for Permits for Special Categories of Mining	1029-AA54
1302	Requirements for Permits and Permit Processing; Permit Applications Minimum Requirements for Legal Financial Civil Penalties	1029-AA66
1303	Definition and Criteria for Valid Existing Rights	1029-AA71
1304	Permanent Regulatory Program Definitions; Areas Unsuitable for Mining	1029-AA80
1305	Lands Unsuitable Regulations	1029-AA90
1306	Requirements for Coal Exploration--Permit Requirements for Exploration Removing More than 250 Tons of Coal	1029-AA92
1307	Permanent Regulatory Program - Ownership Information	1029-AA96
1308	Permanent Program Performance Standards; Surface Mining Activities; Contemporaneous Reclamation	1029-AB02

DOI

Office of Surface Mining Reclamation and Enforcement—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1309	Surface Coal Mining and Reclamation Operations on Indian Lands	1029-AB04
1310	Permanent Program Performance Standards; Disposal of Coal Mine Waste	1029-AB09
1311	Disposal of Excess Spoil on Preexisting Benches	1029-AB18
1312	Permit to Reclaim Rule	1029-AB26
1313	Approximate Original Contour Variances	1029-AB27
1314	Civil Penalties for Post Act Reclamation	1029-AB28

Bureau of Reclamation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1315	Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use	1006-AA18
1316	Reclamation States Drought Assistance Act of 1988	1006-AA19

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1317	Paleontology	1004-AA27
1318	Recreation: General	1004-AA35
1319	Unauthorized Use of Public Lands	1004-AA38
1320	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66
1321	Cultural Resource Management	1004-AA69
1322	Recreation and Public Purposes: Solid Waste Disposal	1004-AA73
1323	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing-General	1004-AA97
1324	Rights-of-Way under the Mineral Leasing Act	1004-AA98
1325	Rights-of-Way, Principles and Procedures	1004-AB00
1326	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1327	Cadastral Survey	1004-AB07
1328	Indian Allotments	1004-AB10
1329	Geothermal Resource Operations	1004-AB18
1330	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1331	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1332	Exchanges - General Procedures	1004-AB28
1333	Mining Claims Under the General Mining Laws	1004-AB36
1334	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments	1004-AB37
1335	Exploration Activity; Oil and Gas Leasing; Competitive Leases	1004-AB41
1336	Mining Claims Under the General Mining Law - Nature and Classes of Mining Claims Assessment Work	1004-AB43
1337	Coal Management -- General	1004-AB44
1338	Onshore Oil and Gas Order No. 9 - Waste Prevention and Beneficial Use of Oil and Gas	1004-AB47
1339	Law Enforcement, Criminal	1004-AB48
1340	Leases, Permits and Easements	1004-AB51
1341	Mining in Military Withdrawals	1004-AB52
1342	Special Laws and Rules; Restatement of Procedures for the Segregation and Opening of Public Lands; Amendment	1004-AB54
1343	Public Availability of Minerals Resources Information	1004-AB55
1344	Contract Extension	1004-AB56
1345	Classifications	1004-AB57
1346	Village Selections	1004-AB58
1347	Cave Management	1004-AB59
1348	Protection Management and Control of Wild Free-Roaming Horses and Burros; Private Maintenance; Supporting Information and Certification for More Than Four Horses or Burros	1004-AB63
1349	Leases, Permits and Easements	1004-AB64
1350	Oil and Gas Leasing	1004-AB65
1351	National Conservation Areas; Law Enforcement- Criminal	1004-AB67
1352	Law Enforcement--Criminal	1004-AB68

DOI

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1353	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1354	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1355	Conduct of Sales (Timber)	1004-AB35
1356	Sales of Forest Products; Conduct of Sales	1004-AB39
1357	Sales of Forest Products; Award of Contract	1004-AB40
1358	Fees, Rents, and Royalties	1004-AB45
1359	Award of Contract; Sales Administration	1004-AB49
1360	Geothermal Resources Leasing	1004-AB53
1361	Sales of Forest Products	1004-AB66

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1362	Land Classification	1004-AB19
1363	Off-Road Vehicles	1004-AB26
1364	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1365	Rights-of-Way, Trespass, and Law Enforcement - Criminal	1004-AB46
1366	Rules of Conduct; Controlled Substances on Federal Land	1004-AB60
1367	Grazing Administration Exclusive of Alaska	1004-AB61

Bureau of Mines—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1368	Mining and Mineral Resources Research Institute Program	1032-AA00

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1123. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory, March 20, 1989.
42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c) (2) (A) calls for the promulgation of simplified assessment procedures. The first type A procedure for coastal and marine environments uses a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). Section 301(c)(3) of CERCLA requires the biennial review of these natural resource damage assessment regulations. Since type A regulations were published as a final rule in 1987, the Department will issue an advance notice of proposed rulemaking (ANPRM). This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type A procedure to advise the Department of areas where revisions to the type A procedure may be appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	
ANPRM Comment Period End	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Deason, Director, Office of Environmental Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 2340,

DOI—ASPBA

Prerule Stage

MIB, 1801 C Street, NW, Washington, DC 20240, **202 343-3891**

RIN: 1090–AA21

1124. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory. 42 USC 9651(c)(3) requires biennial review and revision, as appropriate, of the regulations. This ANPRM will begin the review process.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and determining compensation for natural resource damages, referred to as the type B procedures. Section 301(c)(3) requires the biennial review of these natural resource damage assessment regulations. Since the general process and type B procedures were published as a final rule in 1986, the Department will issue an advance notice of proposed rulemaking (ANPRM) to begin the second biennial review of these regulations. This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type B procedures, and the general assessment process, to advise the Department of areas where revisions to the process and the type B procedures may be desired.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/90	
ANPRM Comment Period End	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Deason, Director, Office of Environmental Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 2340, 1801 C Street, NW., Washington, DC 20240, **202 343-3891**

RIN: 1090–AA22

1125. CERTIFICATION OF NON-DELINQUENCY BY APPLICANTS FOR FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 31 USC 3511; 31 USC 3512; 31 USC 3302; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3719

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes a regulation requiring the use of an application form which includes a question to be answered "yes" or "no" regarding whether the applicant is delinquent on any Federal debt. The Department has withdrawn the notice of proposed rulemaking published on May 11, 1988, because subsequent guidance from the Office of Management and Budget conflicted with the proposed rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, **202 343-8668**

RIN: 1090–AA25

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Proposed Rule Stage

1126. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48301

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1090–AA13

1127. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There

is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA14

1128. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: The Department has promulgated regulations, codified at 43 CFR Part 11, for the assessment of damages to natural resources injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. The regulations provide two types of assessment procedures: simplified procedures requiring minimal field investigation, referred to as the type A procedures; and alternative protocols for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. The type A procedures that have been developed are for use in coastal and marine environments. The Department has stated that, when possible, it would develop additional type A procedures for other environments or natural resources. An advance notice of proposed rulemaking (ANPRM) will be issued by the Department. This ANPRM will solicit suggestions and supporting technical information for possible development of other type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/88	53 FR 20143
ANPRM Comment Period End	07/18/88	53 FR 20143
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Deason, Director, Office of Envir. Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 2340, 1801 C St., NW, Washington, DC 20240, 202 343-3891

RIN: 1090–AA23

1129. DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: EO 12549; 5 USC 301

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section .110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, 202 343-8668

RIN: 1090–AA24

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1130. DEPARTMENT OF THE INTERIOR, PROCUREMENT ETHICS REGULATION

Legal Authority: 5 USC 301; EO 11222; 43 CFR 20.735

CFR Citation: 48 CFR 1401; 48 CFR 1403; 48 CFR 1415; 48 CFR 1453

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes to provide implementing regulations in the Department of the Interior Acquisition Regulation for EO 11222 and the procurement integrity provisions of the Office of Federal Procurement Policy Act Amendments of 1988 (Pub. L. 100-679), which govern ethics/procurement integrity conduct of Government employees.

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17086
NPRM Comment Period End	07/12/88	53 FR 17086
Reproposal	09/14/89	54 FR 37959
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Dean A. Titcomb, Chief, Division of Acquisition and Assistance, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA15

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Solicitor (OSOL)

Proposed Rule Stage

1131. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: January 1981.

Agency Contact: Barbara Abate, Paralegal, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092–AA00

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Proposed Rule Stage

1132. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318 Title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17, Subpart D

Legal Deadline: None

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the Department of the Interior (DOI). No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) Provision of technical assistance; and (3) Accomplishing compliance reviews and enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW., Washington, DC 20240, 202 343-3455

RIN: 1091–AA02

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Final Rule Stage

1133. FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES OF THE DEPARTMENT OF THE INTERIOR, NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 794, The Rehab. Act of 1973, Sec 504, as amended; EO 12250; 42 USC 4151 to 4157, The Architectural Barriers Act of 1986

CFR Citation: 43 CFR 17, Subpart B

Legal Deadline: None

Abstract: This rulemaking will amend the regulation issued by DOI at 43 CFR 17, Subpart B, for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). The regulatory amendment is intended to encourage DOI's recipients to follow UFAS for new construction and alteration projects. No alternative exists to issuing this regulation. This amendment was found to be appropriate and necessary, and is being issued by DOI pursuant to directions received from the Civil Rights Division of the Department of Justice under the authority of Executive Order 12250. It has been determined that this rule is nonmajor and that it has no major cost effect. This amendment will promote governmentwide consistency and minimize public confusion by referencing new architectural standards that are presently in use by the Department of Justice and fourteen other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18554
NPRM Comment Period End	06/30/89	54 FR 18554
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 18th and C Streets NW., Washington, DC 20240, 202 343-3455

RIN: 1091–AA03

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1134. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pat Sheehy, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA25

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1135. SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293; 5 USC 301

CFR Citation: 43 CFR 4.1360 to 4.1369; 43 CFR 4.1370 to 4.1379; 43 CFR 4.1380 to 4.1388

Legal Deadline: None

Abstract: The procedures for administrative review of Office of Surface Mining Reclamation and Enforcement decisions on (1) applications for new permits, (2) applications for permit revisions, permit renewals, and the transfer, assignment, or sale of rights granted under permit, (3) permit revisions ordered by the Office, and (4) applications for coal exploration permits vary. The Office of Hearings and Appeals proposes to remove the rules containing procedures for administrative review for (2), (3), and (4) (43 CFR 4.1370-4.1379 and 4.1380-4.1388) and to revise the rules in 43 CFR 4.1360-4.1369 so they will include review of decisions presently provided for in 43 CFR 4.1370-4.1379 and 4.1380-4.1388. The Office also proposes to amend 43 CFR 4.1351 and 4.1391(b) to provide for notice of OSMRE's decisions by certified mail or by overnight delivery service rather than by publication in a local newspaper. The proposed amendments will unify administrative review procedures and make them more expedited.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9852
NPRM Comment Period End	08/23/89	54 FR 30766
Final Action	10/16/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094–AA37

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

1136. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.411

Legal Deadline: None

Abstract: The agency will propose to amend its procedural regulations to provide relief to appellants who mistakenly file their notices of appeal with the Board instead of the office specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 38950
NPRM Comment Period End	11/19/87	52 FR 38950
Withdrawn No further action to be taken at this time.	07/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Hughes, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA30

1137. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4, Subpart D

Legal Deadline: None

Abstract: The agency is proposing to make changes to its regulations governing appeals to the Board of Indian Appeals in order to ensure compatibility between those regulations and proposed changes to administrative appeals regulations of the Bureau of Indian Affairs in 25 CFR Part 2. The

DOI—OHA

Completed Actions

rulemaking would incorporate two specific changes to regulations in 43 CFR Part 4, Subpart D, listed on previous agenda.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43009
NPRM Comment Period End	01/05/88	52 FR 43009
Final Action	02/10/89	54 FR 6483
Final Action Effective	03/13/89	54 FR 6483

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Kathryn Lynn, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3816

RIN: 1094–AA31

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Prerule Stage

1138. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the current hunting season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/90	
NPRM	06/00/90	
Final Action	09/00/90	

1989-90 frameworks for early seasons
ANPRM 03/27/89 (54 FR 12534)
NPRM 07/13/89 (54 FR 29640)
Final Action 08/11/89 (54 FR 32975)
1989-90 frameworks for early/late seasons
NPRM 06/06/89 (54 FR 24920)
1989-90 frameworks for late seasons
NPRM 08/16/89 (54 FR 33721)

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS -634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018–AA24

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Proposed Rule Stage

1139. ● MARINE MAMMALS: NATIVE EXEMPTIONS

Legal Authority: 16 USC 1361 to 1407

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service proposes to amend the regulations in 50 CFR 18 implementing the Marine Mammal Protection Act of 1972 (the Act), 16 USC 1361-1407. The proposed rule would prohibit the taking of sea otters by Alaskan Natives for use in creating and selling authentic Native articles of handicrafts and clothing under the Native Exemptions section of the Act, 16 USC 1371(b).

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45788
NPRM Comment Period End	11/30/89	54 FR 23233

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: On February 15, 1989 (54 FR 6940) the Service extended the comment period on the proposed rule to April 13, 1989. On May 31, 1989 (54 FR 23233), the Service gave notice that the comment period was further extended through November 30, 1989, to allow time for public meetings to be conducted in selected coastal Alaska locations within the range of the sea otter, and at one location in California.

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS -820 Arlington

Square, Washington, D.C. 20240, 703 358-1718

RIN: 1018–AA20

1140. ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will be clarified and revised to incorporate recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, D.C. 20240, 703 358-2093

RIN: 1018–AA29

1141. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations relating to public access use and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: Robert Karges, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS -670 Arlington Square, Washington, D.C. 20240, 703 358-1744

RIN: 1018–AA36

1142. REFUGE-SPECIFIC SPORT FISHING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Legal Deadline: None

Abstract: The Service will review annually and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: October 1983

Agency Contact: Robert Karges, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, MS -670 Arlington Square, Washington, D.C. 20240, 703 358-1744

RIN: 1018–AA50

1143. REFUGE-SPECIFIC HUNTING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	09/00/90	
1989-90 hunting season		
NPRM 07/28/89 (54 FR 31348)		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Robert Karges, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, D.C. 20240, 703 358-1744

RIN: 1018–AA71

1144. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	
1989-90 nontoxic shot zones		
Final Action 04/13/89 (54 FR 14814)		

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, MS -634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018–AA93

1145. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Agency Priority

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Appeals Court recently ruled that the Migratory Bird Treaty does not permit subsistence hunting.

Agency Contact: David L. Olsen, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, MS -3252 MIB, 18th and C Streets, NW., Washington, DC 20240, 202 343-5333

RIN: 1018–AB03

1146. CAPTIVE BRED WILDLIFE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: This rule will be revised to relieve certain restrictions on the public that have been determined to be outmoded, burdensome and counter productive.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, D.C. 20240, 703 358-2093

RIN: 1018–AB10

1147. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

Legal Authority: 16 USC 460ss

CFR Citation: 50 CFR 72

Legal Deadline: None

Abstract: This rule is necessary to implement the Klamath River Basin Fishery Resources Restoration Act. These include establishment of qualifications for volunteers, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM Comment Period End	05/11/87	
NPRM	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-6394

RIN: 1018–AB11

1148. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/89	54 FR 33947
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph J Webster, Chief, Division of Fish Hatcheries, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, D.C. 20240, 703 358-1715

RIN: 1018–AB13

1149. ● ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669 to 669i; 16 USC 777 to 777k

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: The Service proposes to revise 50 CFR 80 to eliminate any requirements for grants and cooperative agreements to State and local units of Government (43 CFR 12) and to update programmatic requirements for the Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas W. Taylor, Acting Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, DC 20240, 703 358-2156

RIN: 1018–AB15

1150. ● NATIONAL WILDLIFE REFUGES: ADDING TO AREAS OPEN TO HUNTING AND FISHING

Legal Authority: 5 USC 301; 16 USC 460K; 16 USC 664; 16 USC 668dd; 16 USC 715i

CFR Citation: 50 CFR 32; 50 CFR 33

Legal Deadline: None

Abstract: National Wildlife Refuges are generally closed to hunting or fishing until specifically opened by rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Addition of three refuges to areas open to hunting and one opened to sport fishing	05/12/89	54 FR 20623
Final Action	08/31/89	54 FR 36032
NPRM	05/00/90	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Karges, Chief, Division of Refuges, Department of the

Interior, United States Fish and Wildlife Service, MS - 670 Arlington Square, Washington, D.C. 20240, **703 358-1744**

RIN: 1018–AB25

1151. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATED PORTS FOR PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 24; 7 CFR 300 to 399; 50 CFR 17.12; 50 CFR 23.23

Legal Deadline: None

Abstract: The Service proposes to amend regulations by adding an additional port to the list of those designated for listed plants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS-432 Arlington Square, Washington, D.C. 20240, **703 358-2093**

RIN: 1018–AB28

1152. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS: REVISION OF SPECIAL REGULATIONS FOR THE GRIZZLY BEAR

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to revise the special regulations for the threatened grizzly bear to allow supervised hunting of dangerous or incorrigible nuisance bears in a defined area encompassing the Idaho, Montana, and Wyoming portions of the Yellowstone ecosystem outside Yellowstone and Grand Teton National Parks.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AB29

1153. ● HIGHLY TRADED APPENDIX II SPECIES

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulations international trade in listed plants and animals. The Service, as management and scientific authorities, must make appropriate determinations concerning Appendix II listed species prior to granting export approval to these listed species. Notice in the Federal Register is required by United States law in the determination process.

Timetable:

Action	Date	FR Cite
NPRM Export of American alligators harvested in 1989 through 1991	02/28/89	54 FR 8365
Final Action	08/14/89	54 FR 33231
Final Action Export of American alligators harvested in 1989 -1991	08/14/89	54 FR 33231
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, D.C. 20240, **703 358-2093**

RIN: 1018–AB30

1154. ● INJURIOUS WILDLIFE: BROWN TREE SNAKES

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations will be developed proposing to add Brown tree snakes (Boiga irregularis) to the list of injurious wildlife. The Lacey Act (18 USC 42) prohibits importation and introduction into the natural ecosystem of the United States any species which may pose a threat to agriculture, the health and welfare of human beings, and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS -820 Arlington Square, Washington, D.C. 20240, **703 358-1718**

RIN: 1018–AB33

1155. ● AMENDMENTS TO THE MARINE MAMMAL PROTECTION ACT

Legal Authority: 16 USC 1361 to 1407

CFR Citation: 50 CFR 18

Legal Deadline: None

Abstract: The Service proposes to amend regulations to reflect the 1988 amendments to the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 430 Arlington Square, Washington, D.C. 20240, **703 358-2093**

RIN: 1018–AB34

1156. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Significance: Agency Priority

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

DOI—FWS

Proposed Rule Stage

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: The Service proposes to list the Desert tortoise (Gopherus agassizii) population north and west of the Colorado River as endangered. A fatal disease, currently referred to as Desert Tortoise Respiratory Disease Syndrome, has been identified and has caused significant declines to certain tortoise populations and threatens epidemic conditions to populations already stressed as a result of habitat degradation, predation, and other factors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/89	54 FR 32326
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The Service exercised its emergency authority to determine the Mojave population of the desert tortoise to be an endangered species pursuant to the Endangered Species Act of 1973, as amended. An emergency situation, in the form of a recently documented outbreak of a virulent desert tortoise upper respiratory disease syndrome (Respiratory Disease Syndrome), has been identified and has caused significant declines to certain tortoise subpopulations and threatens to become pandemic in subpopulations already stressed as a result degradation, predation, and other factors.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, 703 358-2171

RIN: 1018–AB35

1157. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where, prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Brazilian sideneck turtle
NPRM 00/00/00
Final Action 00/00/00

Cat Island turtle
NPRM 00/00/00
Final Action 00/00/00

Cheer pheasant
NPRM 00/00/00
Final Action 00/00/00

Garret's mint
NPRM 00/00/00
Final Action 00/00/00

Higo chumbo
NPRM 00/00/00
Final Action 00/00/00

Inagua Island turtle
NPRM 00/00/00
Final Action 00/00/00

Inflated heelsplitter
NPRM 00/00/00
Final Action 00/00/00

Kral's water-plantain
NPRM 00/00/00
Final Action 00/00/00

Madagascar red owl
NPRM 00/00/00
Final Action 00/00/00

Maria Island ground lizard
NPRM 00/00/00
Final Action 00/00/00

Maria Island snake
NPRM 00/00/00
Final Action 00/00/00

Michigan monkey flower
NPRM 00/00/00
Final Action 00/00/00

Norfolk Island parakeet
NPRM 00/00/00
Final Action 00/00/00

Northern bald ibis
NPRM 00/00/00
Final Action 00/00/00

Red-tailed parrot
NPRM 00/00/00
Final Action 00/00/00

Remya kauaiensis
NPRM 00/00/00
Final Action 00/00/00

Remya mauiensis
NPRM 00/00/00
Final Action 00/00/00

Reyma montgomeryi
NPRM 00/00/00
Final Action 00/00/00

South American red-lined turtle
NPRM 00/00/00
Final Action 00/00/00

White-necked crow
NPRM 00/00/00
Final Action 00/00/00

White-winged guan
NPRM 00/00/00
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, 703 358-2171

RIN: 1018–AB36

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Final Rule Stage

1158. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will

be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Originally scheduled: October 1983.

Agency Contact: **Clark R. Bavin**, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, D.C. 20240, **703 358-1949**

RIN: 1018–AA79

1159. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
FINAL ACTION - Withdrawn 07/27/87 (52 FR 28026)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: October 1984.

Agency Contact: **Janet Hohn**, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AA84

1160. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Inyo brown towhee (critical habitat)
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00

Inyo brown towhee(listing)
NPRM 03/07/85 (50 FR 9300)
Final Action 08/03/87 (52 FR 28717)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: April 1985.

Agency Contact: **Janet Hohn**, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AA85

1161. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Agency Priority

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	05/19/86	51 FR 18349

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The protocol has been reviewed by Canadian officials and they wish to reopen negotiations. This will delay indefinitely final action on development of an international agreement.

Agency Contact: **David L. Olsen**, Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-5333**

RIN: 1018–AA92

1162. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 00/00/00

Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and

listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AA95

1163. MARINE MAMMALS: INCIDENTAL TAKING BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 101(a)(4); 16 USC 109(h)

CFR Citation: 50 CFR 18.22; 50 CFR 18.24

Legal Deadline: None

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12043
NPRM Comment Period End	07/28/88	53 FR 24330
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AA96

1164. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Bruneau hot spring snail
NPRM 12/30/86 (51 FR 47033)
Final Action 00/00/00

Leopard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AA98

1165. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and de-regulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	12/28/87	52 FR 48948
NPRM Comment Period End	02/26/88	52 FR 48948
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington DC 20240, **703 358-1949**

RIN: 1018–AB01

1166. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 00/00/00

Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 08/24/89 (54 FR 35305)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB02

1167. MARINE MAMMALS: TAKE OF SMALL NUMBERS INCIDENTAL TO SPECIFIED ACTIVITIES

Legal Authority: 16 USC 1371(a)(5); 16 USC 1536(b)(4)

CFR Citation: 50 CFR 18.27; 50 CFR 402.14(i)

Legal Deadline: None

Abstract: This rule will implement 1986 amendments to the Marine Mammal Protection Act and the Endangered Species Act to allow the incidental take of depleted as well as non-depleted marine mammals, to allow incidental taking and require that the incidental take of endangered or threatened marine mammals not be authorized until authorized under the provisions of the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 6473
NPRM Comment Period End	07/05/88	53 FR 17964
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, D.C. 20240, **703 358-1718**

RIN: 1018–AB05

1168. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce Colorado squawfish (Ptychocheilus lucius) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to Section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32143
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington DC 20240, **703 358-2171**

RIN: 1018–AB09

1169. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Decurrent false aster
NPRM 02/25/88 (53 FR 5598)
Final Action 11/14/88 (53 FR 45858)
Erubia
NPRM 11/19/87 (52 FR 44580)
Final Action 08/26/88 (53 FR 32827)
Gila trout
NPRM 10/21/87 (52 FR 37424)
NPRM - Reopen comment period 06/26/89 (54 FR 26811)
Final Action 00/00/00
Independence Valley Speckled & Clover Valley dace
NPRM 09/18/87 (53 FR 35282)
NPRM -Reopen Comment period 10/31/88 (53 FR 38309)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AB14

1170. MARINE MAMMALS: CHANGE DEFINITION OF U.S. CITIZEN

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 18.27

Legal Deadline: None

Abstract: Under existing regulations implementing the Marine Mammal Protection Act (MMPA), corporations organized under United States laws, but not controlled by individuals who are U.S. citizens, cannot be issued Letters of Authorization to undertake activities pursuant to any specific regulations authorizing an incidental take of marine mammals. This rule will amend the definition of U.S. citizen in the current regulations to allow corporations subject to U.S. jurisdiction to participate under the MMPA.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 33949
Final Action	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS - 820 Arlington Square, Washington, DC 20240, **703 358-1718**

RIN: 1018–AB16

1171. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list,

withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama canebrake pitcher plant
NPRM 04/21/88 (53 FR 13230)
Final Action 03/10/89 (54 FR 10150)
Anastasia Island and Southeastern beach mouse
NPRM 07/05/88 (53 FR 25185)
Final Action 05/12/89 (54 FR 20598)
Autumn buttercup
NPRM 07/22/88 (53 FR 27724)
Final Action 00/00/00
Dwarf-flowered heartleaf
NPRM 04/21/88 (53 FR 13223)
Final Action 04/14/89 (54 FR 14964)
Kretschmarr Cave mold beetle
NPRM 04/19/88 (53 FR 12787)
Final Action 09/16/88 (53 FR 36029)
Magazine Mountain shagreen
NPRM 07/05/88 (53 FR 25179)
Final Action 04/17/89 (54 FR 15206)
Osterhout milkvetch
NPRM 07/05/88 (53 FR 25181)
Final Action 07/13/89 (54 FR 29658)
Penland beardtongue
NPRM 07/05/88 (53 FR 25181)
Final Action 07/13/89 (54 FR 29658)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, 703 358-2171

RIN: 1018–AB18

1172. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULES FOR MAMMALS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17.40

Legal Deadline: None

Abstract: This amendment brings the endangered species regulations into compliance with control procedures for African elephant ivory trade.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19416
NPRM Comment Period End	07/05/89	54 FR 19416
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, D.C. 202401, 703 358-1949

RIN: 1018–AB19

1173. DESIGNATED PORT STATUS FOR PORTLAND, OREGON

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service proposes to amend the regulations in 50 CFR 14 to designate Portland, Oregon as an official Customs port- of-entry for wildlife and wildlife products as required by Section 9(f) of the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11975
NPRM Comment Period End	04/24/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, D.C. 20240, 703 358-1949

RIN: 1018–AB21

1174. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS AMENDMENTS

Legal Authority: PL 97-79 95 Stat. 073

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifted the authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. A final rule promulgating this authority in 50 CFR 14, was published on November 10, 1987 (52 FR 43274). The Service will review the regulations for the purpose of proposing improvements and clarifications.

Timetable:

Action	Date	FR Cite
NPRM	08/10/88	53 FR 30077
NPRM Comment Period End	09/09/88	53 FR 30077
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall P. Jones, Jr., Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, MS - 432 Arlington Square, Washington, D.C. 20240, 703 358-2093

RIN: 1018–AB22

1175. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based soley on the biological information available to the Department.

Timetable:

American burying beetle
NPRM 10/11/88 (53 FR 39617)
Final Action 07/13/89 (54 FR 29652)
American hart's tongue fern
NPRM 09/12/88 (53 FR 35210)
Final Action 07/14/89 (54 FR 29726)

Brooksville bellflower
NPRM 09/12/88 (53 FR 35210)
Final Action 07/27/89 (54 FR 31190)
Chimpanzee and pygmy chimpanzee
NPRM 02/24/89 (54 FR 8152)
Final Action 02/00/90
Cooley's water willow
NPRM 09/12/88 (53 FR 35215)
Final Action 07/27/89 (54 FR 31190)
Cracking pearly mussel
NPRM 02/17/89 (54 FR 7225)
Final Action 02/00/90
Eastern/Western Prairie fringed orchid
NPRM 10/11/88 (53 FR 39621)
Final Action 10/00/89
Florida ziziphus
NPRM 09/28/88 (53 FR 37814)
Final Action 07/27/89 (54 FR 31190)
Michaux's sumac
NPRM 01/06/89 (54 FR 441)
Final Action 01/00/90
Purple-spined hedgehog cactus
NPRM 01/19/89 (54 FR 2173)
Final Action 01/00/90
Roanoke logperch
NPRM 09/07/88 (53 FR 34561)
Final Action 08/18/89 (54 FR 34468)
Rydberg milk vetch
NPRM 10/11/88 (53 FR 39626)
Final Action 10/00/89
Scrub blazing star
NPRM 09/28/88 (53 FR 37814)
Final Action 07/27/89 (54 FR 31190)
Shale barren rockcress
NPRM 11/17/88 (53 FR 46479)
Final Action 07/13/89 (54 FR 29655)

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AB23

1176. ● DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF GUAM RAILS ON ROTA IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce captive-bred Guam rails (Rallus owstoni) onto the island of Rota in the Commonwealth of the Northern Mariana Islands over a 5-year period. The Rota population will be designated a nonessential experimental population according to section 10(j) of the Endangered Species Act of 1973, as amended. The species is currently protected at 13 different captive propagation facilities and nonessential status would provide the flexibility in managing the Rota population.

Timetable:

Action	Date	FR Cite
NPRM	06/19/89	54 FR 25744
NPRM Comment Period End	07/19/89	54 FR 25744
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AB26

1177. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than 1 year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based solely on the biological information available to the Department.

Timetable:

Aleutian Canada goose
NPRM 00/00/00
Final Action 00/00/00
Arkansas fatmucket
NPRM 00/00/00
Final Action 00/00/00
Bakersfield cactus
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
Bartram's ixia
NPRM 05/19/89 (54 FR 21635)
Final Action 05/00/90
California jewelflower
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
California orcutt grass
NPRM 00/00/00
Final Action 00/00/00
Cheat Mountain salamander
NPRM 09/27/88 (53 FR 37814)
Final Action 08/18/89 (54 FR 34464)
Cobana negra
NPRM 05/12/89 (54 FR 20616)
Final Action 05/00/90
Dwarf wedge mussel
NPRM 04/17/89 (54 FR 15236)
Final Action 04/00/90
Fanshell mussel
NPRM 00/00/00
Final Action 00/00/00
Hoover's wooly star
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90
Isodendrio Hosakae St. John (Aupaka)
NPRM 00/00/00
Final Action 00/00/00
Kern mallow
NPRM 07/27/90 (54 FR 31201)
Final Action 07/00/90
Lower Keys rabbit
NPRM 08/30/89 (54 FR 35905)
Final Action 08/00/90
Neosho madtom
NPRM 05/19/89 (54 FR 21632)
Final Action 05/00/90
Northeastern beach tiger beetle
NPRM 00/00/00
Final Action 00/00/00
Pallid sturgeon
NPRM 08/30/89 (54 FR 35901)
Final Action 08/00/90
Palma de manaca
NPRM 00/00/00
Final Action 00/00/00
Palo de Rosa
NPRM 00/00/00
Final Action 00/00/00
Price's potato bean
NPRM 05/12/89 (54 FR 20619)
Final Action 05/00/90
Puritan tiger beetle
NPRM 00/00/00
Final Action 00/00/00
Purple cat's paw pearly mussel
NPRM 00/00/00
Final Action 00/00/00
Pygmy sculpin
NPRM 02/07/89 (54 FR 5986)
Final Action 02/00/90
Queen Alexandra's bird wing butterfly
NPRM 00/00/00
Final Action 00/00/00
Ring pink mussel (formerly Golf stick pearly mussel)
NPRM 01/06/89 (54 FR 554)
Final Action 01/00/90
Roan Mountain bluet
NPRM 00/00/00
Final Action 00/00/00
San Joaquin wooly-threads
NPRM 07/27/89 (54 FR 31201)
Final Action 07/00/90

DOI—FWS

Final Rule Stage

Shenandoah salamander
NPRM 09/28/88 (53 FR 37814)
Final Action 08/18/89 (54 FR 34464)
Spreading avens
NPRM 00/00/00
Final Action 00/00/00
Squirrel chimney cave shrimp
NPRM 08/30/89 (54 FR 35905)
Final Action 08/00/90
Virginia spiraea
NPRM 00/00/00
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, D.C. 20240, 703 358-2171

RIN: 1018–AB31

1178. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; NORTHERN SPOTTED OWL

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for 6 months) on a proposed listing no later than 6 months after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, the Northern spotted owl, and if prudent, identify critical habitat. Such action will be taken upon determination that the species is endangered, threatened, or neither, and will be based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
NPRM	06/23/89	54 FR 26666
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, D.C. 20240, 703 358-2171

RIN: 1018–AB32

1179. ● MIGRATORY BIRD PERMITS

Legal Authority: 16 USC 712

CFR Citation: 50 CFR 21

Legal Deadline: None

Abstract: The Service will modify two existing depredation orders (50 CFR 21.43 and 21.44) to prohibit killing of the tricolored blackbird throughout its range and seven species of western meadowlarks, American, Lesser and Lawrence's goldfinches, acorn woodpeckers, Lewis' woodpeckers, and northern flickers. This action is necessary because these species are no longer serious agricultural pests, and some have been declining in numbers such that their continued existence may be in jeopardy without additional protection.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	54 FR 32634
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, MS-634 Arlington Square, Washington, DC 20240, 703 358-1714

RIN: 1018–AB37

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1180. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
Final Action	08/24/89	54 FR 35302
Mathis spiderling		
NPRM 07/10/87 (52 FR 26033)		
Extension of comment period 07/14/88 (53 FR 26616)		
Final Action 06/29/89 (54 FR 28413)		
Sacramento prickly poppy		
NPRM 07/13/87 (52 FR 26164)		
Final Action 08/24/89 (54 FR 35302)		
Tipton kangaroo rat		
NPRM 07/10/87 (52 FR 26040)		
Extension of comment period 09/09/87 (52 FR 33980)		
Final Action 07/08/88 (53 FR 25608)		

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, D.C. 20240, 703 358-2171

RIN: 1018–AA10

1181. FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29500
Revised NPRM	08/05/88	53 FR 29500
NPRM Comment Period End	09/19/88	53 FR 29500
NPRM Public Comment Period End	09/19/88	
Final Action	04/17/89	54 FR 15208
Final Action Effective	05/17/89	54 FR 15208

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Because of the high number of comments received suggesting modification, the rule, as proposed, was not adopted. The amended proposed rule is being proposed to accommodate the concerns expressed.

Agency Contact: Thomas W. Taylor, Acting Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, DC 20240, **703 358-2156**

RIN: 1018–AA97

1182. INJURIOUS WILDLIFE: MITTEN CRABS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations will be developed which would determine whether to add the mitten crab to the list of injurious wildlife. The Lacey Act prohibits importation and introduction into the natural eco- system of the United States any species which may pose a threat to agriculture, the health and welfare of human beings, and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45784
NPRM Comment Period End	12/29/88	53 FR 45784
Final Action	05/23/89	54 FR 22286
Final Action Effective	06/22/89	54 FR 22286

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, MS -820 Arlington Square, Washington, D.C. 20240, **703 358-1718**

RIN: 1018–AB04

1183. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 017

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Action	Date	FR Cite
Final Action	06/23/88	53 FR 23674
Florida lizards		
NPRM 01/21/87 (52 FR 2242)		
Final Action 11/06/87 (52 FR 42658)		
Miami palmetto		
NPRM - Extend comment period 07/21/87 (52 FR 27437)		
FINAL ACTION - Withdrawn 06/23/88 (53 FR 23674)		

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, DC 20240, **703 358-2171**

RIN: 1018–AB06

1184. PROPOSED DETERMINATION OF NONESSENTIAL EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF THE NASHVILLE CRAYFISH IN TENNESSEE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to reintroduce the Nashville Crayfish (Orconectes shoupi), federally listed as an endangered species, into Richland Creek, Davidson County, Tennessee, and to determine this population to be a nonessential experimental population according to Section 10(j) of the Endangered Species Act of 1973, as amended. Section 10(j) of the Act authorizes nonessential experimental populations to be treated as if they were proposed species for the purposes of Section 7 of the Act. The Nashville crayfish is presently know to inhabit Mill Creek and five of its tributaries in Davidson and Williamson Counties, Tennessee.

Timetable:

Action	Date	FR Cite
Withdrawn - Prior to proposal	07/25/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS - 400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AB12

1185. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 18 USC 42; 16 USC 3371 to 3378; 16 USC 1538(d) to 1538(f); 16 USC 1540(f); 16 USC 1382; 16 USC 704; 16 USC 712; 31 USC 483(a); 16 USC 852(c)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: General review and evaluation of 50 CFR 14, including

structure of import/export and user fees.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34795
NPRM Comment Period End	10/11/88	
Final Action	01/27/89	54 FR 4030
Final Action Effective	01/27/89	54 FR 4030

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, MS - 520 Arlington Square, Washington, D.C. 20240, **703 358-1949**

RIN: 1018–AB20

1186. PROGRAM REQUIREMENTS, FEDERAL AID IN SPORT FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669i; 16 USC 777k

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: The Service proposes to revise 50 CFR 80 to eliminate any requirement for Grants and Cooperative Agreements to State and Local Units of Government (43 CFR 12), and to update programmatic requirements for the Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration programs.

Timetable:

Action	Date	FR Cite
Duplicate - See RIN 1018-AB15	08/07/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas W. Taylor, Acting Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, MS - 322 Arlington Square, Washington, D.C. 20240, **703 358-2156**

RIN: 1018–AB24

1187. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS; DESIGNATION OF CRITICAL HABITAT FOR THE THREATENED CONCHO WATER SNAKE (NERODIA HARTERI PAUCIMACULATA)

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service is designating critical habitat for the Concho water snake under the authority of the Endangered Species Act of 1973, as amended. The Concho water snake was listed as a threatened species in September 1986; however, final designation of the proposed critical habitat was postponed at that time. Critical habitat is now being designated in portions of the Concho and Colorado Rivers, Runnels, Tom Green, Concho, Coleman, and McCulloch Counties, Texas.

Timetable:

Action	Date	FR Cite
NPRM	09/03/86	51 FR 31412
Final Action	06/29/89	54 FR 27377
Final Action Effective	07/31/89	54 FR 27377

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, MS-400 Arlington Square, Washington, D.C. 20240, **703 358-2171**

RIN: 1018–AB27

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Prerule Stage

1188. INDIANA DUNES NATIONAL LAKESHORE: ZONING STANDARDS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 31

Legal Deadline: None

Abstract: The National Park Service is proposing to revoke Part 31 because the Act which authorized the Secretary of Interior to promulgate minimum zoning standards 80 Stat. 1309, was repealed by Section 1 (9) of 90 Stat. 1309, on October 18, 1976.

The purpose of the regulatory action is to revoke and to eliminate the zoning standards which no longer have any purpose or authority.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4206**

RIN: 1024–AB79

1189. APOSTLE ISLANDS NATIONAL LAKESHORE: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.82

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Apostle Islands National Lakeshore. The general regulations at 36 CFR 2.18 prohibit such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this regulation is to remove that prohibition and allow the use of snowmobiles to conduct legislatively authorized fishing activities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alford J. Banta, Superintendent, Department of the Interior, National Park Service, RT 1, Box 4, Bayfield, WI 54814, 715 779-3397

RIN: 1024–AB80

DOI—NPS

Prerule Stage

1190. YELLOWSTONE NATIONAL PARK: COMMERCIAL TRAFFIC ON U.S. HIGHWAY 191 WITHIN YELLOWSTONE NATIONAL PARK

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: The proposed regulation will exempt the section of U.S. 191 within Yellowstone National Park from the prohibition on the use of National Park Service roads by commercial vehicles when such use has in no way a connection with operation of the park; delete the special regulations establishing the speed limit on U.S. 191 within Yellowstone National Park; and restrict the amount and type of hazardous materials which may be transported on U.S. 191 within Yellowstone National Park. The special regulation establishing the present fee schedule for commercial traffic within Yellowstone will be eliminated and the Superintendent provided the discretion to establish and adjust fees for such use on an annual basis.

These actions will clearly define the management and regulation of commercial traffic on U.S. 191 through Yellowstone and assure a certain measure of protection against hazardous waste spills.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert D. Barbee, Superintendent, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, **307 344-7381**

RIN: 1024–AB82

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

1191. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT; DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Douglas Scovill, Acting Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024–AA49

1192. PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: PL 100-555; PL 100-588

CFR Citation: 43 CFR 7; 36 CFR 296; 18 CFR 1312; 32 CFR 229

Legal Deadline: None

Abstract: Amendments to the Archaeological Resources Protection Act of 1979 (PL 96-95) made by Congress in 1988 require amendments to the uniform regulations. Some of the amendments require changes in existing regulatory language, and some amendments add new responsibilities which may require additional regulatory guidance. Alternatives being considered are based upon the extent to which existing agency cultural resources management manuals address the new statutory responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Waldbauer, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4113**

RIN: 1024–AA51

1193. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off-road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA89

1194. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA94

1195. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024–AB07

1196. MINERALS MANAGEMENT - NON-FEDERAL OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq.; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8; PL 100-301, Sec 8; 31 USC 9701

CFR Citation: 36 CFR 9, Subpart B

Legal Deadline: Final, Statutory, January 29, 1989.
Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing nonfederal oil and gas development in the (cont)

Abstract: Several sections of 36 CFR Part 9, Subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 35% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to revise the existing regulations to incorporate congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs; revising sections of the regulations to make them consistent with the enabling (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: legislation of affected units; and, clarifying compliance issues associated with different access conditions. Revisions will decrease the potential for prolonged uncertainty among applicants.

LEGAL DEADLINE CONT: "Addition" within nine months of the date of the enactment of that statute, which was signed into law on April 29, 1988.

Agency Contact: Carol McCoy, Chief, Policy & Regulations Section, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW, Washington, DC 20013-7127, 202 523-5120

RIN: 1024–AB39

1197. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.85

Legal Deadline: None

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB48

1198. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, 919 473-2111

RIN: 1024–AB54

1199. HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, 808 967-7311

RIN: 1024–AB66

1200. GLEN CANYON NATIONAL RECREATION AREA: COMMERCIAL OPERATIONS AND WHITEWATER BOATING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.70

Legal Deadline: None

Abstract: The Service proposes to amend special regulations that apply to Glen Canyon National Recreation Area by clarifying provisions that pertain to commercial operations and deleting duplicative provisions that pertain to Colorado River Whitewater boat trips.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Lancaster, Superintendent, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, Box 1507, Page, AZ 86040, 602 645-2471

RIN: 1024–AB72

1201. MINERALS MANAGEMENT: NONFEDERAL MINERALS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9, Subpart C

Legal Deadline: None

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. The Service presently regulates only nonfederal oil and gas activities occurring in those units. Mineral activities, other than those associated with nonfederal oil and gas, are occurring in approximately 13 units of the System. There are also 7 additional units in which nonfederal mineral development is currently proposed or has recently been proposed. The Service is charged by Congress to ensure that the development of nonfederal mineral rights within park boundaries is consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards governing nonfederal mineral development, other than nonfederal oil and gas, in a manner that protects affected park units until such time that the Service has sufficient funds to acquire the mineral right.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Determination of effects	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon Kliwinski, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L Street, NW, Washington, DC 20013-7127, 202 523-5120

RIN: 1024–AB75

1202. SEQUOIA AND KINGS CANYON NATIONAL PARKS: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.8

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Parks' fishing regulation. The changes would simplify existing fishing regulation, maintain the existing variety of recreational fishing opportunities, help restore the natural distribution and abundance of native species, help retard expansion of introduced species, and open most streams to fishing which are currently closed. Anglers would have to be able to identify fish they kept, and in some areas they would be required to use single barbless hooks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Werner, Fish and Wildlife Biologist, Department of the Interior, National Park Service, Sequoia and Kings Canyon National Parks, Three Rivers, CA 93271, 209 565-3341

RIN: 1024–AB76

1203. YOSEMITE NATIONAL PARK; WAWONA ZONING REGULATIONS

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 61

CFR Citation: 36 CFR Not yet determined

Legal Deadline: None

Abstract: The proposed rulemaking will provide for land use controls on privately owned lands in Wawona, Yosemite National Park, CA. The rulemaking will allow residential development to occur without threat of condemnation if the development is compatible with Federal and private interests, and if it meets the specific zoning requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Billie Hair, Acting Superintendent, Department of the Interior, National Park Service, Yosemite National Park, P.O. Box 1024, Yosemite, CA 95389, 209 375-6391

RIN: 1024–AB77

1204. ● LAKE MEAD NATIONAL RECREATION AREA: GLASS BEVERAGE CONTAINERS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.48

Legal Deadline: None

Abstract: The purpose of the proposed regulation is to prohibit the possession of glass beverage containers within the Recreation Area except at authorized locations. Broken glass has become a major safety as well as litter problem in the developed areas, beaches, and back country campsites. Implementing this regulation will reduce both the safety and litter problems at the Recreation Area.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, **202 343-4206**

RIN: 1024–AB84

1205. ● OZARK NATIONAL SCENIC RIVERWAYS: POWER BOAT OPERATION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.83

Legal Deadline: None

Abstract: This proposed rulemaking will amend the current regulation by adding a section which will designate zones of motorboat operation and place horsepower limitations on motorboats. This addition is necessary in order to resolve user conflicts, protect the quality of the river and the recreational experiences, as well as address visitor safety concerns. The effects will be to increase safety, reduce conflicts, and provide maximum recreational benefits to all river users.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, **202 343-4206**

RIN: 1024–AB85

1206. ● VOYAGEURS NATIONAL PARK: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.33

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Voyageurs National Park. The general regulation, 36 CFR 2.18(c), prohibits such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this special regulation is to remove that prohibition for the routes and frozen water surfaces identified by this regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, **202 343-4206**

RIN: 1024–AB86

1207. ● RECREATION FEES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 71

Legal Deadline: None

Abstract: This revision is necessary to incorporate recent legislation effecting recreation fees in the National Park System.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
Final Action	12/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-4206**

RIN: 1024–AB87

1208. ● VOYAGEURS NATIONAL PARK: DESIGNATION OF AIRCRAFT LANDING AREAS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.33

Legal Deadline: None

Abstract: This proposed rule designates locations where the use of aircraft will be allowed and permitted. The general regulation, 36 CFR 2.17(a)(1), prohibits such use other than at locations designated pursuant to special regulations. The intended effect of this special regulation is to remove that prohibition at designated locations within Voyageurs National Park, allowing and permitting sea planes and ski-equipped planes on specified lake surfaces.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James A. Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013, **202 343-4206**

RIN: 1024–AB88

1209. ● NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: determinations of eligibility under the Abandoned Shipwreck Act; procedures for processing nominations from the former Trust Territories of the Pacific Islands; and procedures for appealing determinations of eligibility made by Federal agencies

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carol D. Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O.

DOI—NPS **Proposed Rule Stage**

Box 37127, Washington, DC 20013, **202 343-9536**

RIN: 1024–AB89

DEPARTMENT OF THE INTERIOR (DOI) — Final Rule Stage
National Park Service (NPS)

1210. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
NPRM	05/10/88	53 FR 16561
NPRM Comment Period End	07/11/88	53 FR 16561
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 242-4916**

RIN: 1024–AA07

1211. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9536**

RIN: 1024–AA44

1212. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-9536**

RIN: 1024–AA46

1213. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, Gates of the Arctic National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboat and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-2664**

RIN: 1024–AA71

1214. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37586
NPRM Comment Period End	11/06/87	52 FR 37586
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-1178**

RIN: 1024–AA80

1215. CAPE COD NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.67

Legal Deadline: None

Abstract: The Department proposes to modify the vehicle routes and travel restrictions at Cape Cod National Seashore established by the existing Cape Cod Off-Road Vehicle Regulations, which were adopted on September 3, 1985, by opening additional beach areas to off-road vehicle use and to allow use of some of the beaches at night only by off-road vehicles.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	54 FR 429
NPRM Comment Period End	02/21/89	54 FR 429
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $35,000; Base Year for Dollar Estimates: 1989

Agency Contact: Anthony Bonanno, Chief Ranger, Department of the Interior, National Park Service, Cape Cod National Seashore, South Wellfleet, MA 02663, **508 349-3785**

RIN: 1024–AA91

1216. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA96

1217. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AB10

1218. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally owned and administered prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), Section 110 of the National Historic Preservation Act of 1966 (as amended) and the Archeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; (c) guidelines for access to, loan of and use of collections; and (d) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	08/28/87	52 FR 32740
NPRM Comment Period End	10/27/87	52 FR 32740
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michelle C. Aubry, Archeological Program Specialist, Department of the Interior, National

Park Service, P.O. Box 37127, Washington, DC 20013-7127, **202 343-1876**

RIN: 1024–AB13

1219. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024–AB19

1220. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024–AB28

1221. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024–AB33

1222. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22662
NPRM Comment Period End	07/15/87	52 FR 22662
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, OH 44141, **216 526-5256**

RIN: 1024–AB44

1223. CANYON DE CHELLY NATIONAL MONUMENT

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19735
NPRM Comment Period End	06/26/87	52 FR 19735
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, **505 988-6371**

RIN: 1024–AB47

1224. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable State law.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
NPRM Comment Period End	03/10/88	53 FR 3759
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box

188, Whiskeytown, CA 96095, **916 241-6584**

RIN: 1024–AB61

1225. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft. Smith, MT 59035, **406 666-2412**

RIN: 1024–AB63

1226. ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32924
NPRM Comment Period End	09/28/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, **303 586-2371**

RIN: 1024–AB67

1227. HISTORIC PRESERVATION CERTIFICATIONS PURSUANT TO SECTION 48(G) AND SECTION 170(H) OF THE INTERNAL REVENUE CODE OF 1986

Legal Authority: 16 USC 470(a)(1)(A); 26 USC 48 (g); 26 USC 170(h)

CFR Citation: 36 CFR 67, (Revised)

Legal Deadline: None

Abstract: This proposed rule restates and makes amendments to the procedures by which owners desiring tax benefits for rehabilitation of historic buildings apply for certifications pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986. These tax laws require certifications from the Secretary of the Interior in order for taxpayers to receive tax benefits.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18292
NPRM Comment Period End	07/22/88	53 FR 18292
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. Ward Jandl, Chief, Technical Preservation Services Branch, Department of the Interior, National Park Service, P O Box 37127, Washington, DC 20013-7127, **202 343-9584**

RIN: 1024–AB73

1228. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

Significance: Agency Priority

Legal Authority: 16 USC 1901 et seq Mining in the Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 30 USC 21 et seq Mining Law of 1872

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None

Abstract: The existing regulations at 36 CFR Part 9, Subpart A, promulgated in January of 1977, contain several provisions that are either outdated or have proven difficult to understand, enforce and comply with. Most notable is a provision regarding the use of water in connection with mining claims within National Park System units. The current language creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service (NPS) would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity. Additional changes sought by the NPS are as follows: Several sections of the regulations refer to a surface disturbance moratorium (mandated by the Mining in the Parks Act of 1976, 16 USC 1901 et seq) which expired in 1980. Other sections include transitional procedures used temporarily in implementing the regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19411
NPRM Comment Period End	07/05/89	54 FR 19411
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rick Ernenwein, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW, Washington, DC 20013-7127, **202 523-5120**

RIN: 1024–AB74

1229. ALASKA REGION: SAME-DAY-AIRBORNE HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.21

Legal Deadline: None

Abstract: The National Park Service is proposing rules what will prohibit the hunting of certain wildlife species in the National Preserve areas in Alaska on the same day in which a hunter is airborne. Hunting will continue to be allowed pursuant to State and Federal regulations. Access to those areas by aircraft for sport hunting and other purposes is also allowed. While the

State of Alaska has a similar regulation in place, commonly referred to as the "same-day-airborne" regulation, recent changes to their regulation have allowed exceptions for some species in certain State of Alaska game management units including the National Preserve areas. This exception will allow "land-and-shoot" hunting of wolves in the National Preserves. The proposed National Park Service regulation will prohibit "land-and-shoot" hunting for big game including the following species: All species of Bears, Bison, Caribou, Elk, Mountain Goat, Moose, Musk Oxen, Dall Sheep, Wolf, Wolverine, Coyote, Arctic and Red Fox, and Lynx.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24852
NPRM Comment Period End	08/08/89	54 FR 24852
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steve Shackelton, Law Enforcement Specialist, Department of the Interior, National Park Service, 2525 Gambell St., Rm. 107, Anchorage, AK 99503-2892, 907 257-2548

RIN: 1024–AB81

1230. VEHICLES AND TRAFFIC SAFETY: MANDATORY SEATBELT REGULATION

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 4.15

Legal Deadline: NPRM, Statutory, October 1988.

Abstract: This rulemaking would establish an NPS mandatory seatbelt regulation to apply in park areas that are located within States that do not have a seatbelt law in effect. This regulation would affect 100 park areas in 18 States. The regulation would apply to all of a vehicle's front seat occupants except those that are occupying a seat that was not originally equipped by the manufacturer with a seatbelt and those with a medical condition that prevents restraint by a seatbelt.

The National Park Service is required to issue the proposed rule by a provision in the Department's 1989 FY Appropriations Act.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51526
NPRM Comment Period End	02/21/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4206

RIN: 1024–AB83

1231. ● LAND AND WATER CONSERVATION FUND PROGRAM OF ASSISTANCE TO STATES; POST-COMPLETION COMPLIANCE

Legal Authority: PL 88-578

CFR Citation: 36 CFR 59

Legal Deadline: None

Abstract: This revision to 36 CFR Part 59 is to clarify that land acquired with Land and Water Conservation Fund assistance and later converted to other than public outdoor recreation may not be replaced with land currently owned by the project sponsor.

Timetable:

Action	Date	FR Cite
Final Action	12/15/89	
Final Action Effective	12/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Sam L. Hall, Chief, Recreation Grants Division, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-3700

RIN: 1024–AB90

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Completed Actions

1232. WHISKEYTOWN UNIT, WHISKEYTOWN - SHASTA - TRINITY NRA GOLD PANNING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service proposes to allow visitors to engage in limited gold panning activities, using pan and trowel only, in certain designated streams within the recreation area. Any gold recovered by such methods could be retained for personal, non-commercial use.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
Final Action	06/02/89	54 FR 23648
Final Action Effective	07/03/89	54 FR 23648

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, Whiskeytown National Recreation Area, Box 188, Whiskeytown, CA 96095, 916 241-6584

RIN: 1024–AB71

1233. KATMAI NATIONAL PARK AND PRESERVE FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.66

Legal Deadline: None

Abstract: This proposal is to modify fishing regulations for the Brooks River in Katmai National Park and Preserve. A change will be made to the open bait season on the Naknek River to remain consistent with changing State regulations.

DOI—NPS

Completed Actions

This proposal is consistent with National Park Service General Regulations and Policies.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29746
NPRM Comment Period End	10/07/88	53 FR 29746
Final Action	05/01/89	54 FR 18491
Final Action Effective	05/31/89	54 FR 18491

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Hurd, Chief Ranger, Department of the Interior, National Park Service, P.O. Box 7, King Salmon, AK 99613, 907 246-3305

RIN: 1024–AB78

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1234. ADMINISTRATION OF A PROGRAM OF EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 28

Legal Deadline: None

Abstract: The purpose of the rule is to combine the rules described in 25 CFR Part 26, Employment Assistance for Adult Indians, and 25 CFR Part 27, Vocational Training for Adult Indians, into a new 25 CFR Part 28. The application and selection process, financial assistance, program services, and employment as the objective are common to both Parts 26 and 27. Another purpose is to establish uniform procedures for administration of the employment assistance for adult Indians program and include requirements to improve the administrative efficiency of the program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deane Poleahla, Actg. Division Chief, Job Placement and Training, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-3570

RIN: 1076–AA04

1235. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076–AA11

1236. LEASING AND PERMITTING

Significance: Agency Priority

Legal Authority: 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466

CFR Citation: 25 CFR 162

Legal Deadline: None

Abstract: The Bureau proposes to reorganize Part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR Part 166, General Grazing Regulations, from the 25 CFR.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Pennington, Natural Resources Officer, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 58101, 406 657-6145

RIN: 1076–AA29

1237. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing revising 25 CFR Part 170 to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian reservations, to assure funds are apportioned from the Highway Trust Fund (HTF) for construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to implement tribal self-determination.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ball, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs,

18th & C Streets, NW, Washington, DC 20240, **202 343-4359**

RIN: 1076–AB05

1238. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None

Abstract: This rule is being revised to ensure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kim Synder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3837**

RIN: 1076–AB41

1239. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4807**

RIN: 1076–AB91

1240. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Donovan, Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Room 1364, Code 430, Washington, DC 20245, **202 343-5786**

RIN: 1076–AB98

1241. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The revision is needed to specifically define the Bureau's role in the provision of institutional and in-home care to Indian adults who are mentally or physically handicapped or otherwise disabled. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance was transferred to general assistance by revision of 25 CFR Part 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
Distribute draft rule to all Area Offices for review	04/30/89	
NPRM	12/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Carr, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-6434**

RIN: 1076–AB99

1242. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: This rulemaking action is being taken to further define various programmatic responsibilities of the Child Welfare Assistance and Child and Family Service Program under this part.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Carr, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076–AC13

1243. SCHOOL BOARDS

Significance: Agency Priority

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau operated schools.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076–AC14

1244. SMALL ESTATES - OSAGE

Legal Authority: 92 Stat. 1660

CFR Citation: 25 CFR 18

Legal Deadline: None

Abstract: This rulemaking action would permit the Field Solicitor, Pawhuska, Oklahoma, to determine the heirs, devisees and/or legatees of estates under the jurisdiction of the Osage Agency, consisting of Osage headright interest, real estate on which restrictions against alienation have not been removed, and/or funds on deposit at the Osage Agency, all of which do not exceed a valuation of $10,000 on the date of death of a decedent, when requested in writing by one or more of the heirs, devisees and/or legatees; provided, that a court of competent jurisdiction has not proceeded to administer or probate the estate. The administration of such estates by the Field Solicitor would alleviate the necessity of the employment of an attorney by the beneficiaries, approval of the will pursuant to 25 CFR Part 17, and the filing of administration or probate proceedings in State Court. Because of the size of these estates, it is financially impractical for the beneficiaries to employ attorneys for that purpose.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-5473

RIN: 1076–AC18

1245. CERTIFICATES OF DEGREE OF INDIAN BLOOD

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 70

Legal Deadline: None

Abstract: This rulemaking action is to add a new Part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIB's). There has been a sharp increase in the number of requests for CDIB's over the past few years. More and more programs are requiring individuals to submit CDIB's to document possession of Indian blood. This rulemaking action is intended to clarify the circumstances under which the Bureau will issue CDIB's; the documents and records on which the Bureau will base the issuance of CDIB's; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIB's.

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	
NPRM Comment Period End	02/15/90	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-1702

RIN: 1076–AC19

1246. REVISED PROCEDURES FOR IMPLEMENTATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1988

Significance: Regulatory Program

Legal Authority: 93 USC 638; 100 USC 202; 100 USC 446; 100 USC 472; 100 USC 581

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 275; 25 CFR 276; 25 CFR 277; 25 CFR 286

Legal Deadline: NPRM, Statutory, August 5, 1989. Final, Statutory, October 5, 1989.

Abstract: The primary purpose of the amendments to 93 USC 638 is to permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services while maintaining the Federal Government's unique and continuing relationship with and responsibility to individual Indian tribes and to the Indian people as a whole. In addition to extensive consultation with the tribes and Native American groups, the Bureau of Indian Affairs is examining all of its planning administrative procedures from the perspective of maximizing tribal participation. Due to the broad scope of the review, an estimate of the potential cost and potential benefit is premature. The changes are one of process rather than increases or decreases in budget or program funding. The major potential cost is to the Federal Government in order to meet the insurance requirement

of the law. The amount is undetermined to date.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	04/00/90	
Final Action Effective	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Bonnie Paquin, Coordinator, Department of the Interior, Bureau of Indian Affairs, Room 4641-MIB, 18th & C Streets, NW, Washington, DC 20240, 202 343-5706

RIN: 1076–AC20

1247. ● PREPARATION OF A ROLL OF THE COQUILLE INDIAN TRIBE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 101-42

CFR Citation: 25 CFR 67

Legal Deadline: Other, Statutory, June 28, 1990.
The Act requires that the Roll be prepared by June 28, 1990. Therefore, the final rule must be published in advance of that date.

Abstract: The Bureau of Indian Affairs is proposing to add a new Part 67 to its regulations to establish procedures to govern the preparation, certification, and approval of a roll of the Coquille Indian Tribe. The Coquille Restoration Act of June 28, 1989, Pub. L. 101-42, 103 Stat. 91, directs the Secretary of the Interior to prepare within one year a membership roll of the Coquille Indian Tribe. The roll will be used to identify persons who meet the statutory requirements for membership in the Coquille Indian Tribe.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	
NPRM Comment Period End	12/01/89	
Final Action	03/01/90	
Final Action Effective	04/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4627, 18th & C Streets, NW, Washington, DC 20240, 202 343-1702

RIN: 1076–AC21

1248. ● HOUSING IMPROVEMENT PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 256

Legal Deadline: None

Abstract: Congressional direction contained in the FY 1984 Department of the Interior and Related Agencies Appropriation Conference Report directed the Bureau to develop a program which is more cost effective and better meets identified needs. In response to this directive, the Bureau developed a new system to achieve the results intended. The redirected Housing Improvement Program is being promulgated as proposed regulations in conformity with Section 552 and 553 of Title 5, United States Code, as required by the Indian Self-Determination and Education Assistance Act Amendments of 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: G. Ronald Peake, Chief, Division of Housing Assistance, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-8427

RIN: 1076–AC22

1249. ● PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to ll, Sec. 10

CFR Citation: 25 CFR 262

Legal Deadline: None

Abstract: The proposed rule will add a new part to Title 25 of the Code of Federal Regulations. The rule is in response to direction in the Archeological Protection Act of 1979. Key areas of the proposed rule will address the permit requirements specific to Indian Tribes and individuals, and the custody of archeological resources.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Sutherland, Archeologist, Office of Environmental Quality, Department of the Interior, Bureau of Indian Affairs, Mail Stop 4544-MIB, 18th & C Streets, NW, Washington, DC 20240, 202 343-2791

RIN: 1076–AC23

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Final Rule Stage

1250. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The present regulations contain a very incomplete criminal code that does not cover many areas of the law that are usually in the laws of the State where the reservation is located. The current regulations also contain very sketchy provisions on criminal and civil procedure. It is proposed to update the sections on criminal offenses, and essentially create new sections on criminal procedures, domestic relations, probate proceedings, appellate proceedings and juvenile proceedings.

This will provide the Courts of Indian Offenses with more complete and up to date procedures and rules. Courts will have a six month period from the date of publication of the final rule to the effective date in which to revise their court codes. It is not anticipated that this revision will have any effect on the annual case load for these courts or require additional staffing. Therefore, the initiation of these rules should not result in additional costs.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Code revisions by courts	04/01/89	
Final Action	12/00/89	
Final Action Effective	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Maria Mendoza, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-1400**

RIN: 1076–AA01

1251. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 USC 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6482
NPRM Comment Period End	05/04/87	52 FR 11503
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Originally scheduled: January 1980.

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076–AA10

1252. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	52 FR 49172
NPRM Comment Period End	02/29/88	52 FR 49172
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076–AA15

1253. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 USC 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6822
NPRM Comment Period End	08/03/87	52 FR 6822
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and the Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-3959**

RIN: 1076–AA33

1254. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332

Action	Date	FR Cite
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished as a proposed rule on 10/21/87 (52 FR 39332) to allow for additional public comment.

Agency Contact: Kim Snyder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3837**

RIN: 1076–AA38

1255. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None

Abstract: As a result of the public comments on the proposed rules for 25 CFR Parts 211 and 225, it has been determined that this part will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR Part 212 and for restructuring the format of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM for removal	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished for proposed removal with the proposed rulemaking actions for 25 CFR Parts 211 and 225 on 10/21/87 (52 FR 39332).

Agency Contact: Kim Synder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3837**

RIN: 1076–AA39

1256. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26800
NPRM Comment Period End	07/26/89	54 FR 26800
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Nephew, Actg. Chief, Div. of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Financial Assistance, Washington, DC 20240, **202 343-3660**

RIN: 1076–AA55

1257. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	06/30/88	53 FR 24738
NPRM Comment Period End	08/01/88	53 FR 24738
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076–AA56

1258. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Kim Synder, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3837**

RIN: 1076–AA82

1259. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to 89.46

Legal Deadline: None

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Special Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, **202 343-1861**

RIN: 1076–AB87

1260. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, **202 343-3611**

RIN: 1076–AB89

1261. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226

Legal Deadline: None

Abstract: The rules are being amended to strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in the Kansas-Oklahoma area. These regulations will improve the management of the Osage mineral estate and will alleviate the economic hardship placed on the oil lessees.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38608
NPRM Comment Period End	11/16/87	52 FR 38608
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kim Synder, Acting Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-3837**

RIN: 1076–AC09

1262. PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 100-139

CFR Citation: 25 CFR 61

Legal Deadline: Final, Statutory, October 26, 1988.
One year from date of enactment for completion of the tribal membership roll.

Abstract: This rulemaking action is being taken to amend the regulations contained in 25 CFR Part 61. Part 61 contains general enrollment procedures which can be made specifically applicable in the preparation of a particular roll by the Secretary by amending section 61.4 to include the qualifications for enrollment for that particular roll. Under the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary has been directed to prepare certain rolls of Cow Creek Indians to be used in the implementation of the Act. The proposed amendment is, therefore, to make the procedures contained in Part 61 applicable to the preparation of the Cow Creek rolls by adding in section 61.4 the qualifications for enrollment for each of the rolls to be prepared.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20335
NPRM Comment Period End	07/05/88	53 FR 20335
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

DOI—BIA

Final Rule Stage

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, Room 2609 Main Interior, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-1702

RIN: 1076–AC11

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Completed Actions

1263. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43006
NPRM Comment Period End	01/05/88	52 FR 43006
Final Action	02/10/89	54 FR 6478
Final Action Effective	03/13/89	54 FR 6478

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Bolton, Management Analyst, Department of the Interior, Bureau of Indian Affairs, Room 320 - Interior South, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4689

RIN: 1076–AB21

1264. MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 122

Legal Deadline: None

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24732
NPRM Comment Period End	08/29/88	53 FR 24732
Final Action	08/18/89	54 FR 34154
Final Action Effective	09/18/89	54 FR 34154

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald Rodriquez, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076–AB51

1265. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984 and 1988, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 14361
NPRM Comment Period End	05/10/89	54 FR 14361
Final Action	08/23/89	54 FR 34973
Final Action Effective	09/22/89	54 FR 34973

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Acting Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5831

RIN: 1076–AC00

1266. LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984 and 1988, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 14361
Combined with RIN 1076-AC00	04/11/89	54 FR 14361
NPRM Comment Period End	05/10/89	54 FR 14361

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Acting Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 18th and C

DOI—BIA Completed Actions

Streets, NW, Washington, DC 20240, 202 343-5831

RIN: 1076–AC01

1267. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 83

Legal Deadline: None

Abstract: The proposed rule revision will resolve problems encountered with existing regulations published almost ten years ago. Revisions will reduce time and resources required to process petitions, clarify terms and definitions, interpret criteria, add a process whereby groups may withdraw a petition, improve the appeal process and respond to changing conditions. The revised rule will be more cost effective for the Department and Indian groups petitioning for Federal acknowledgment. The proposed revisions will be published taking into consideration ten years of experience with the regulations. Revisions will reflect recommendations received from the Congress, Indian groups and tribes, other Federal agencies and national organizations.

Timetable:

Action	Date	FR Cite
No action to be taken at this time Delay due to pending legislation.	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynn Forcia, Chief, Branch of Acknowledgment and Research, Department of the Interior, Bureau of Indian Affairs, Room 4627, Main Interior, 18th & C Streets, NW, Washington, DC 20240, 202 343-3568

RIN: 1076–AC15

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Prerule Stage

1268. ● REMOVAL OF FEDERAL FUNDING LIMITATION FROM STATE AND INDIAN COOPERATIVE AGREEMENTS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 25 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 228

Legal Deadline: None

Abstract: The regulations at 30 CFR 228, implementing section 202 of the Federal Oil and Gas Royalty Management Act of 1982, 30 USC 1719, provide that the Federal share of funding of certain cooperative agreement activities with any State or Indian Tribe will be limited to not more than 50 percent of the cost of eligible activities as established under the terms of the cooperative agreement. However, Congress recently passed "The Indian Self-Determination and Education Assistance Act Amendment of 1988," October 5, 1988, PL 100-472, which included amendments to PL 93-638 to require all Bureaus within the Department of the Interior to enter into PL 93-638 contracts with Indian Tribes. Consequently, the cooperative agreements that MMS may enter into in the future with Indian Tribes will be considered PL 93-638 self-determination contracts. Because PL 93-638 entitles an Indian Tribe to Federal reimbursement of 100 percent of the costs of an approved self- determination contract, MMS is proposing to amend its regulations to remove the 50-percent Federal funding limitation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB36

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Proposed Rule Stage

1269. AIR QUALITY - OFFSHORE CALIFORNIA

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. The costs have been determined to have a net present value of approximately $25M to the regulated industry; the net benefits have not been quantified but would be a reduction in any effect of emissions from OCS operations on the ozone levels in adjacent onshore areas. This may be expected to yield cost reductions in health services and other related areas. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	
Complete determination of effects of rules	05/18/88	
Reach agreement on a negotiated rule or begin development of rule through standard process	12/19/88	
NPRM	01/17/89	54 FR 1846
NPRM Comment Period End	02/16/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1610

RIN: 1010–AA61

1270. RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES

Significance: Regulatory Program

Legal Authority: 43 USC 1339

CFR Citation: 30 CFR 230

Legal Deadline: None

Abstract: This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB11

1271. REVISION OF REGULATION GOVERNING EFFECTIVENESS OF DECISIONS AND ORDERS PENDING APPEAL

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: The MMS regulations at 30 CFR 243.2 address the effectiveness of its Royalty Management Program decisions and orders pending administrative appeal. At the time the rule was issued in 1984, it was MMS's interpretation that most decisions and orders would not be suspended pending appeal. However, in 1986, the Interior Board of Land Appeals (IBLA) determined that unless there were special circumstances, the Director, MMS, was required to stay effectiveness of decisions and orders pending appeal provided the appellant posted adequate surety (Marathon Oil Company, 90 IBLA 236 (1986)). In view of the IBLA decision, an amendment is needed to MMS regulations at 30 CFR 243.2 to reflect clearly that MMS decisions and orders are stayed pending administrative appeal, the types of sureties which would be acceptable to MMS, and related issues.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB13

1272. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS), SUBPART O, TRAINING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.210

Legal Deadline: None

Abstract: The rules at 30 CFR Part 250 which govern oil and gas and sulphur operations in the OCS will be revised to address in greater specificity training requirements for personnel engaged in oil, gas, and sulphur drilling, development, and production operations in the OCS. Training requirements were addressed in a proposed rule to consolidate into one document the rules governing oil and gas and sulphur operations in the OCS which was published on March 18, 1988 (51 FR 9316). The training provisions of that proposed rule have been revised, updated, and consolidated under a new Subpart O, Training. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	54 FR 31768
NPRM Comment Period End	10/02/89	54 FR 31768
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

DOI—MMS

Proposed Rule Stage

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB21

1273. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.250

Legal Deadline: None

Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) will be revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region. Comments received as the result of the publication on March 18, 1986 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36244
NPRM Comment Period End	10/30/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB23

1274. AMENDMENT OF DUAL ACCOUNTING REQUIREMENT IN GAS VALUATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations require that the value of certain processed gas that is not sold pursuant to an arm's-length contract shall be the greater of value determined by two different methods. The comparison of the two values is commonly referred to as "dual accounting." The dual accounting requirement results in the inconsistent valuation of gas depending on whether it is sold in an arm's-length or a non-arm's length situation. Regulation amendments are being developed which would eliminate the accounting for comparison requirement except where required by lease terms.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB28

1275. AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the lessee's gross proceeds received under its non-arm's-length transaction if they were equivalent to the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions have identified the need to further clarify MMS's intention in this regard.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB29

1276. AMENDMENTS TO 30 CFR 250.52 TO ADD REQUIREMENTS INTENDED TO PREVENT OCCURRENCE OF ACCIDENTAL FIRES CAUSED BY FALLING SLAG FROM WELDING OR BURNING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.52

Legal Deadline: None

Abstract: The Minerals Management Service proposes to amend 30 CFR 250.52 to add requirements designed to increase personnel safety and minimize property damage by avoiding or preventing the occurrence of accidental fires caused by hot slag from welding or burning activities falling into flammable material floating on the ocean surface beneath Outer Continental Shelf (OCS) facilities. The proposed amendment was prompted by the recommendations of an investigation of a January 6, 1984, accidental fire believed to have been

caused by hot welding slag igniting a layer of hydrocarbons floating on the surface of the ocean water beneath an OCS facility. Three men died and nine were burned as a consequence of that fire. The alternative considered was to send lessees advisory notices alerting them of the potential danger of welding slag; however, the alternative was considered less effective because it lacked enforcement. The proposed amendment would not result in increases in cost to lessees or consumers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB31

1277. ● CLARIFICATION OF DATES FOR RELEASE TO THE PUBLIC OF CERTAIN DATA AND INFORMATION SUBMITTED IN ASSOCIATION WITH DRILLING AND PRODUCTION OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: This proposed rule is intended to remove apparent inconsistency in current regulations concerning the release of data and information submitted to MMS on certain MMS forms. Section 250.18 specifies periods of time that certain geological and geophysical data will be protected from disclosure to the public when submitted on specific forms, but release dates for similar data and information on other forms are not mentioned in the regulations. The alternatives of providing guidance through an OCS Order and through a Notice to Lessees and Operators on a region-to-region basis does not ensure that information is uniformly available to the public. This rulemaking does not involve any significant additional costs. Its benefits are the removal of ambiguity in the current regulations and the availability of data and information to the public on a uniform basis in all OCS Regions.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32316
NPRM Comment Period End	10/03/89	54 FR 32316
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, Virginia 22070, **703 787-1600**

RIN: 1010–AB34

1278. ● ASSESSMENT FOR FAILURE TO SUBMIT PAYMENT OF SAME AMOUNT WITH REPORT OR BILL OR TO PROVIDE ADEQUATE INFORMATION

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 25 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: The MMS Auditing and Financial System (AFS) matches and applies each payment received to its corresponding report or bill. If a payment cannot be automatically matched and applied by the AFS because of inadequate or erroneous information, it must be manually matched and applied by MMS personnel. The manual matching of payments to reports and bills results in MMS incurring substantial costs so that the AFS can operate properly to account for and distribute royalties. This situation also delays the payment application process and can result in delay in distribution of royalties and related information to States and Indian Tribes and allottees. To recover the costs, MMS is proposing to amend its regulations to add a new assessment amount not to exceed $250 per incident. The new assessment would encourage payors to submit their payment, when required, together with the applicable report or copy of the bill and for the same amount as the report or bill. The new assessment would also encourage payors to adequately identify payments to the report or bill to be paid.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB35

1279. ● SERVING OF OFFICIAL CORRESPONDENCE ISSUED BY THE ROYALTY MANAGEMENT PROGRAM

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: The MMS does not currently have regulations which delineate how service of official correspondence, including orders, decisions, demands for payment and notices of noncompliance issued by its Royalty Management Program is effectuated. In the absence of MMS regulations, the Interior Board of Land Appeals (IBLA) (IBLA-87-349) reversed a decision by the Director, MMS that an appeal had not been timely filed and therefore would not be considered. A rule is required that would: 1) establish an "address of record" to which official correspondence will be sent, and 2) define the "date of service" whether the document was physically or constructively delivered. The date of service established in accordance with this rule also would be the beginning date of the 30-day period in 30 CFR Part 290 for the filing of an appeal relative to an order or decision.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

DOI—MMS

Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB37

1280. ● AMENDMENT TO THE REGULATIONS CONCERNING THE REQUIREMENT FOR SUBMISSION OF A CORPORATE SURETY BOND TO INDEMNIFY THE U.S. FROM DEFAULT BY A LESSEE ON THE CONDITIONS AND TERMS OF AN OCS LEASE

Legal Authority: 43 USC 1335

CFR Citation: 30 CFR 256

Legal Deadline: None

Abstract: This rulemaking would amend current regulations requiring lessee surety bonds. The monetary value of surety bonds designated in current regulations was established over a decade ago and is seriously inadequate to protect the government from loss due to lessee failure to meet the terms of the OCS lease for royalty payments, proper abandonment of wells, site cleanup, and ongoing lease operations. Bond requirements may be increased on a case-by-case basis, as an alternative to rule change. This might result in inconsistent requirements. The potential costs are whatever increase is incurred in obtaining a higher value bond. Benefits would be a reduced potential for government loss and a greater protection of the public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1600

RIN: 1010–AB38

1281. ● REGULATIONS GOVERNING RECOUPMENT OF OVERPAYMENTS ON INDIAN LEASES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 25 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701 et seq; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Because royalty payments are a major source of income to many Indian allottees, and the only source in some instances, it has been a longstanding Department of the Interior policy that overpayments made by lessees and other royalty payors to Indians cannot be recovered by refund. This policy was established to prevent an undue financial burden on Indian allottees who may have limited financial means to refund the overpayment. However, the adopted policy permits lessees and payors to recoup overpayments as a credit against future rental or royalty accruals due to Indian tribes or allottees. Lessees and operators were instructed to follow this recoupment policy in "Notice to Lessees and Operators of Indian Oil and Gas Leases No. 1A" (NTL-1A), issued by the Conservation Division of U.S. Geological Survey in 1977. The MMS published revised final oil and gas product valuation regulations at 30 CFR Part 206 on January 15, 1988 (53 FR 1184 and 53 FR 1230), effective March 1, 1988. Section 206.150(e)(2) of the revised regulations terminated NTL-1A. Although the Indian lease overpayment recoupment policy has been the same for many years, MMS believes that its (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: regulations should state the policy. Consequently, MMS proposes to add new sections at 30 CFR 218.53 (previously reserved) and 30 CFR 218.203 to codify the policy and procedure.

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB40

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Final Rule Stage

1282. REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.

DOI—MMS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50422
NPRM Comment Period End	02/03/89	54 FR 1398
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB17

1283. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; SAFETY AND POLLUTION-PREVENTION EQUIPMENT

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.1; 30 CFR 250.126

Legal Deadline: None

Abstract: The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended. The amendment would update the American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) SPPE-1 standard from the 1985 edition to the 1988 edition and allow compliance with either the updated version of the ANSI/ASME SPPE-1 quality assurance (QA) program (1988 edition) or the proposed American Petroleum Institute (API) QA program (API Spec Q1 in combination with API Specs 14A and 14b). Other alternatives considered were not to amend the rule and to continue using ANSI/ASME SPPE-1 as the only type of certification for the QA program. The costs to lessees under the API program or the updated ANSI/ASME SPPE-1 program are not expected to be significantly different than the costs under the current program. If there is any cost difference, it is expected to be a reduction in cost since the use of the API program is an option to the use of the ANSI/ASME SPPE-1 program. Lessees would not be expected to choose the use of the more expensive of the approved QA programs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/88	53 FR 25349
NPRM Comment Period End	09/29/88	53 FR 30705
Reopen Comment Period	08/11/89	54 FR 33042
Comment Period End	09/15/89	
Final Action	11/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. L. Courtois, Chief, Offshore Inspection and Enforcement Division, Department of the Interior, Minerals Management Service, Mail Stop 647, 381 Elden Street, Herndon, VA 22070, **703 787-1576**

RIN: 1010–AB19

1284. GEOTHERMAL RESOURCES USED TO GENERATE ELECTRICITY, PRODUCT VALUATION FOR ROYALTY PURPOSES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources--Electrical Generation" which describes a "geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 354
NPRM Comment Period End	03/06/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB22

1285. LIMITATION OF THE DIRECTOR'S AUTHORITY FOR DISCRETIONARY RELEASE OF POSTLEASE PROPRIETARY DATA AND INFORMATION

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: Amendments to the regulations providing for the discretionary release of postlease proprietary data and information will be proposed. The amendments would limit the discretion of the MMS Director to release such data and information by defining more precisely the circumstances under which such releases may be authorized and to whom the data and information may be shown. The alternative to the proposed amendment is the case-by-case determination of whether to release such proprietary data and information based on the existing less specific discretionary authority of the Director. This alternative leaves some degree of uncertainty to the lessee concerning the circumstances under which releases will be authorized, and possible changes in policy.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11965
NPRM Comment Period End	04/24/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

DOI—MMS

Final Rule Stage

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, MS-646, 381 Elden Street, Herndon, VA 22070, 703 787-1607

RIN: 1010–AB30

1286. REVISION OF REGULATIONS GOVERNING INTEREST RATE APPLICABLE TO LATE PAYMENTS AND UNDERPAYMENTS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 218.54, 218.55, and 218.103 govern the rate of interest to be charged on underpayments or late payments of royalty by lessees and other royalty payors, and the rate of interest to be paid on late disbursements of an Indian Tribe's or Allottee's royalty or a State's share of royalty revenues. These regulations reference section 6621 of the Internal Revenue Code of 1954 for the applicable interest rate in each situation. However, section 6621 was amended by the Tax Reform Act of 1986 to provide for a different interest rate for overpayments and for underpayments. A rule amendment is required to clarify an ambiguity in the existing regulations, created by the amendment to section 6621, as to which of two different rates would apply.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 14364
NPRM Comment Period End	05/11/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB32

1287. ● APPEALS PROCEDURES

Legal Authority: 43 USC 1334; 30 USC 1751

CFR Citation: 30 CFR 290

Legal Deadline: None

Abstract: The final rule provides a grace period for filing of appeals of orders and decisions of Minerals Management Service officials. Existing rules required receipt of an appeal within 30 days of receipt of an order or decision. The final rule establishes a grace period whereby appeals are timely if received within 10 days after the end of the initial 30 days and there is evidence of transmittal within the 30 days. The rule allows more appeals to be considered and decided on their merits.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane Roberts, Paralegal Specialist, Department of the Interior, Minerals Management Service, Mail Stop 623, 381 Elden Street, Herndon, VA 22070, 703 787-1275

RIN: 1010–AB39

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

1288. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action, issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17770
NPRM Comment Period End	06/11/87	
Withdrawn - action determined to be unnecessary	09/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, 703 787-1614

RIN: 1010–AA87

1289. AIR QUALITY -- OUTER CONTINENTAL SHELF WIDE

Significance: Regulatory Program

Legal Authority: 30 USC 1334

CFR Citation: 30 CFR 250.44; 30 CFR 250.45; 30 CFR 250.46; 30 CFR 250.57

Legal Deadline: None

Abstract: Amendments to the Department of the Interior (DOI) Air Quality regulation for oil and gas operations will be proposed for all Outer Continental Shelf (OCS) areas. The changes would update requirements and consider the need for

current information collection burdens, and provide additional safeguards for those pollutants which could be critical to air quality in areas adjoining the OCS. A determination of potential costs and benefits cannot be made until the final rulemaking has been prepared for RIN 1010-AA61, dealing with amendments to the DOI Air Quality regulation for oil and gas operations adjacent to the State of California. Considerable information has been developed during the negotiations conducted to implement that rulemaking. There have also been revisions to the related Environmental Protection Agency regulations which will affect both of these rulemakings. Timing, content, and format for this rulemaking for all OCS areas will not be determined until completion of the rulemaking RIN 1010-AA61.

Timetable:

Action	Date	FR Cite
Withdrawn - deferred indefinitely pending results of RIN 1010-AA61	09/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, **703 787-1610**

RIN: 1010–AB14

1290. AMENDMENT TO 30 CFR 250.4 AND 250.34(J) TO ADD GUIDELINES FOR THE ACCEPTANCE OF CONTRIBUTIONS FOR MISSION ACTIVITIES SUCH AS THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.4; 30 CFR 250.34(j)

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) proposes to amend 30 CFR 250.4 and 250.34(j) to implement the authority provided in the Fiscal Year 1987 Department of the Interior Appropriation Act to facilitate preparations of Environmental Impact Statements associated with the approval of certain Development and Production Plans. The alternative of prescribing specific procedures for use of such funds would not allow the flexibility to respond when the use of contractors and private contributions is the most sensible approach. There may be increased cost to some lessees; however, these costs represent a voluntary users fee comparable to the users fee provided in the Independent Offices Appropriation Act of 1952, as amended. No increase in cost or prices would result for any other entity.

Timetable:

Action	Date	FR Cite
Withdrawn - action determined to be unnecessary	09/18/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 381 Elden Street, Herndon, VA 22070, **703 787-1600**

RIN: 1010–AB33

BILLING CODE 4310-MR-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1291. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11; 30 CFR 870.11

Legal Deadline: None

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5351**

RIN: 1029–AB16

1292. ASSESSMENT CONFERENCE SCHEDULING

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 843; 30 CFR 845

Legal Deadline: None

Abstract: The rule would eliminate some procedural inconsistencies remaining from previous 30 CFR 843 and 845 rulemakings. In particular, the rules would allow for a more efficient and practical time frame for scheduling assessment conferences. OSMRE is undertaking this action in response to suggestions from the Interior Department's Office of the Solicitor and from OSMRE personnel involved in administering the existing 30 CFR Parts 843 and 845 requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

DOI—OSMRE

Proposed Rule Stage

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5864

RIN: 1029–AB22

1293. REPROCESSING COAL WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 786, (New); 30 CFR 829, (New); 30 CFR 701; 30 CFR 785

Legal Deadline: None

Abstract: The rule would revise existing permitting and performance standards to take into consideration the unique circumstances and requirements for reprocessing coal waste. The rule would identify the minimum requirements for this type of activity. The action is being undertaken in response to findings and planned actions identified during OSMRE's study of remining initiatives.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Ray Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029–AB23

1294. INTERIM PROGRAM REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 710; 30 CFR 715; 30 CFR 716; 30 CFR 717; 30 CFR 718; 30 CFR 720; 30 CFR 721; 30 CFR 722

Legal Deadline: None

Abstract: The rule would amend those portions of the OSMRE interim regulatory program regulations which are different from the permanent regulatory program. OSMRE is undertaking this action to provide equity and regulatory consistency between the programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Stephen M. Sheffield, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5361

RIN: 1029–AB24

1295. ● FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: In response to comments received concerning the rulemaking under RIN 1029-AB15, OSMRE will conduct a study of possible fees for permit revisions, renewals, and certain other permitting-related activities in the coming year and intends to propose further rulemaking where the results of that study indicate that such fees are justified and that fee collection would be administratively feasible.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029–AB29

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

1296. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 702; 30 CFR 700; 30 CFR 750; 30 CFR 870

Legal Deadline: None

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20546
NPRM Comment Period End	08/10/87	52 FR 20546
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1864

RIN: 1029–AA53

1297. RECLAMATION TECHNOLOGY RULE

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.104; 30 CFR 816.105; 30 CFR 816.101

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AA57

1298. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq; PL 100-34

CFR Citation: 30 CFR 740

Legal Deadline: None

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23388
NPRM Comment Period End	07/31/89	54 FR 23388
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4560

RIN: 1029–AA76

1299. PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845.15; 30 CFR 846.12

Legal Deadline: None

Abstract: The proposed regulation is in accordance with a court approved settlement agreement and would provide a method of calculating civil penalties when compliance with section 816.102(a) cannot be accomplished using best technology currently available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k).

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41666
NPRM Comment Period End	01/07/88	52 FR 41666
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-7952

RIN: 1029–AB10

1300. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would govern the collection by OSMRE of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for midterm review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSMRE for costs incurred in providing the services.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17568
NPRM Comment Period End	07/18/88	53 FR 17568
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029–AB15

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1301. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None

Abstract: This proposed rule would respond to a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities was not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The

Court ordered that the definition be repromulgated in a manner consistent with congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29310
NPRM Comment Period End	09/19/88	
Final Action	03/07/89	54 FR 9724
Final Action Effective	04/06/89	54 FR 9724

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1507

RIN: 1029–AA54

1302. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 773 (Revision); 30 CFR 843

Legal Deadline: None

Abstract: The existing rules pertaining to the requirements for permit and permit processing, permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	07/16/86	51 FR 25822
NPRM Comment Period End	10/24/86	51 FR 33905
Final Action	04/28/89	54 FR 18438
Final Action Effective	05/30/89	54 FR 18438

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA66

1303. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Notice of EIS and RIA Scoping Meeting, Request for Comments	01/22/87	52 FR 2421
Scoping Hearings for NEPA and RIA	02/06/87	
NPRM	12/27/88	53 FR 52374
NPRM Comment Period End	04/24/89	54 FR 9847
Withdrawn	07/21/89	54 FR 30557

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-2035

RIN: 1029–AA77

1304. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761

Legal Deadline: None

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e) of the Surface Mining Control and Reclamation Act to the surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in section 522(e) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
ANPRM Comment Period End	06/27/85	50 FR 13250
Notice of EIS and RIA Scoping Meeting and Request for Comments	01/22/87	52 FR 2421
EIS and RIA Scoping Meeting	02/06/87	
NPRM	12/27/88	53 FR 52374
NPRM Comment Period End	04/24/89	54 FR 9847
Withdrawn	07/21/89	54 FR 30557

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of EO 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are

anticipated to be significant in terms of EO 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-1928**

RIN: 1029–AA80

1305. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761.5

Legal Deadline: None

Abstract: OSMRE is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
Combined with RIN 1029-AA57	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Jerry Schwartz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5144**

RIN: 1029–AA90

1306. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 772.11; 30 CFR 772.12; 30 CFR 772.14; 30 CFR 815.2; 30 CFR 942.772

Legal Deadline: None

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23532
NPRM Comment Period End	08/08/88	53 FR 23532
Final Action	12/29/88	53 FR 52942
Final Action Effective	01/30/89	53 FR 52942

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4553**

RIN: 1029–AA92

1307. PERMANENT REGULATORY PROGRAM - OWNERSHIP INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 778

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement is proposing to revise 30 CFR 778, which specifies what information must be furnished in a surface coal mining permit application. The permit application requirements are being revised in order to conform them to proposed revisions in 30 CFR 773 which govern the issuance of surface coal mining permits. The proposed revisions to 30 CFR 778 will require the submission of more detailed information on the ownership and control of permit applicants. It is not anticipated that the revision will impose a substantial financial burden on those applying for permits.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 20032
NPRM Comment Period End	08/06/87	52 FR 20032
Final Action	03/02/89	54 FR 8982
Final Action Effective	04/03/89	54 FR 8982

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Senior Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-5241**

RIN: 1029–AA96

1308. PERMANENT PROGRAM PERFORMANCE STANDARDS; SURFACE MINING ACTIVITIES; CONTEMPORANEOUS RECLAMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.100; 30 CFR 816.101; 30 CFR 816.104; 30 CFR 816.105

Legal Deadline: None

Abstract: The rule is being proposed in response to a remand by the Court to provide additional guidance to the regulatory authorities. The proposed rule should ensure that all reclamation efforts proceed as contemporaneously as practicable with surface coal mining operations in accordance with Section 515(b)(16) of the Surface Mining Control and Reclamation Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
Combined with RIN 1029-AA57	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AB02

1309. SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would implement court approved settlements involving OSMRE, the State of New Mexico, and the National Coal Association/American Mining Congress Joint Committee in regard to final Indian lands regulations. The rule would delete the reference to the American Indian Religious Freedom Act and revise the requirements addressing inclusion of surface coal mining and reclamation provisions in Indian leases.

Timetable:

Action	Date	FR Cite
NPRM	02/10/88	53 FR 3992
NPRM Comment Period End	04/20/88	53 FR 3992
Final Action	05/22/89	54 FR 22182
Final Action Effective	06/21/89	54 FR 22182

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4540

RIN: 1029–AB04

1310. PERMANENT PROGRAM PERFORMANCE STANDARDS; DISPOSAL OF COAL MINE WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The rule will reexamine performance standards and design criteria for coal waste disposal. The action is in response to a District Court for the District of Columbia remand order which cited procedural defects in an earlier rulemaking (47 FR 44006, September 26, 1983) involving inadequate notice and comment and an inadequate administrative record.

Timetable:

Action	Date	FR Cite
Combined with RIN 1029-AA57	10/31/88	53 FR 43970

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Dr. C. Y. Chen, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1501

RIN: 1029–AB09

1311. DISPOSAL OF EXCESS SPOIL ON PREEXISTING BENCHES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.74; 30 CFR 817.74

Legal Deadline: None

Abstract: The regulations at 30 CFR 816.74/817.74 allow, with the approval of the regulatory authority, the disposal of excess spoil through placement on preexisting benches provided that the standards set forth in sections 816.71/817.71 are met. These standards contain the general requirements for the disposal of excess spoil. Based on the draft study entitled "Encouraging Abandoned Mine Land Reclamation via Remining: A Federal, State and Industry Initiative" and comments received, OSMRE has reviewed these regulations. Based on this review, OSMRE has concluded that excess spoil, when placed on the benches, is similar to backfilling and grading of a highwall and bench. It therefore could be regulated under the backfilling and grading regulations in sections 816.102/817.102, in lieu of the "excess spoil" standards, while maintaining the same environmental and safety standards. The proposed rule would apply the backfilling and grading requirements to disposal of excess spoil on preexisting benches.

Timetable:

Action	Date	FR Cite
Combined with RIN 1029-AA57	10/31/88	53 FR 43970

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029–AB18

1312. PERMIT TO RECLAIM RULE

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701; 30 CFR 740; 30 CFR 750; 30 CFR 773; 30 CFR 843

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to amend its rules to provide for specific situations where a coal mine operator may be required to obtain a permit to conduct reclamation activities on a location where no coal extraction is taking place. The proposed rule would remove requirements to obtain or renew a permit when only reclamation activities must be performed.

Timetable:

Action	Date	FR Cite
NPRM	09/19/88	53 FR 36404
NPRM Comment Period End	11/03/88	
Final Action	04/05/89	54 FR 13814
Final Action Effective	05/05/89	54 FR 13814

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4533

RIN: 1029–AB26

1313. APPROXIMATE ORIGINAL CONTOUR VARIANCES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 785; 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to amend its rules to allow issuance of a permit for nonmountaintop removal, steep slope, surface coal mining and reclamation operations which includes a variance from the requirements to restore the disturbed areas to their approximate original contour.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
Combined with RIN 1029-AA57	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-4540**

RIN: 1029–AB27

1314. ● CIVIL PENALTIES FOR POST ACT RECLAMATION

Legal Authority: PL 95-87; 30 USC 1201 et seq; PL 100-34; PL 100-102; PL 100-446

CFR Citation: 30 CFR 845

Legal Deadline: None

Abstract: This rule amends OSMRE's regulations which allow OSMRE to use money collected from payment of Federal civil penalties levied under Section 518 of the Surface Mining Control and Reclamation Act of 1977 (Act). The regulations are being amended to comply with the Department of the Interior Appropriation Act for fiscal year 1989 to allow use of these funds until expended.

Timetable:

Action	Date	FR Cite
Final Action	05/04/89	54 FR 19342
Final Action Effective	06/05/89	54 FR 19342

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, **202 343-7952**

RIN: 1029–AB28

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

1315. PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Legal Authority: 43 USC 387; 31 USC 483(a)

CFR Citation: 43 CFR 429.3(a), (Revision); 43 CFR 429.3(d), (New); 43 CFR 429.6(c), (Revision)

Legal Deadline: None

Abstract: These changes to 43 CFR 429 will provide greater flexibility in determining the value of low value uses by third parties of lands administered by the Bureau of Reclamation. Currently an appraisal is required to provide the use value. A periodic review of the value of the use will also be provided. And finally, the authority of Reclamation's regional directors to modify or waive the values to be recovered is further clarified.

Timetable:

Action	Date	FR Cite
Withdrawn No action required at this time.	07/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: Edwin W. Cramer, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 236-8078**

RIN: 1006–AA18

1316. RECLAMATION STATES DROUGHT ASSISTANCE ACT OF 1988

Legal Authority: PL 100-387

CFR Citation: 43 CFR 423

Legal Deadline: None

Abstract: The Bureau of Reclamation has revised 43 CFR Part 423 to provide emergency drought assistance to qualified applicants for loans to purchase and transport emergency water supplies and support management and conservation activities. Actions implemented under these regulations will be to mitigate losses, or expected losses, and damage resulting from the drought conditions of 1987, 1988, and 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	04/10/89	54 FR 14228
Interim Final Rule	04/10/89	54 FR 14228

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Tom Phillips, Coordinator, Project Operations Services, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 236-1058**

RIN: 1006–AA19

BILLING CODE 4310-09-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1317. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frank W. Snell, Chief, Division of Recreation, Cultural, and Wilderness Resources, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-6064

RIN: 1004–AA27

1318. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bob Schneider, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA35

1319. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004–AA38

1320. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA66

1321. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA69

1322. RECREATION AND PUBLIC PURPOSES: SOLID WASTE DISPOSAL

Legal Authority: 43 USC 869 et seq; 43 USC 1701 et seq; 31 USC 9701

CFR Citation: 43 CFR 2740

Legal Deadline: None

Abstract: The Recreation and Public Purposes Amendment Act of 1988 (P.L. 100-648) enacted on November 10, 1988, amended the Recreation and Public Purposes Act of 1926. The regulations at 43 CFR 2740 need to be amended in order to add provisions of the new law that pertain to solid waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Rowe, Realty Specialist, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AA73

1323. EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING-GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3200

Legal Deadline: None

Abstract: The rulemaking will issue corrections and clarifications to published final rule of May 16, 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judy Reed, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, 202 653-2196

RIN: 1004–AA97

1324. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AA98

1325. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Chief, Branch of Rights-of-Way and Use Permits, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB00

1326. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Propose Rulemaking	12/27/82	47 FR 57521
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB04

1327. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick Carroll, Land Surveyor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004–AB07

1328. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Don Simpson, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB10

1329. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

DOI—BLM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB18

1330. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB20

1331. ● ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This rule will amend Onshore Oil and Gas Order No. 2 by requiring new casing rather than used casing in all cases except certain circumstances prescribed by the authorized officer and changing the location of required centralizers.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kent, Petroleum Engineer, Department of the Interior, Bureau of Land Management, 601 Premier Bldg., Washington, DC 20240, 202 653-2174

RIN: 1004–AB21

1332. EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732

CFR Citation: 43 CFR 2200

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34380
NPRM Comment Period End	10/02/89	54 FR 34380
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Roger Taylor, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB28

1333. MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 3809; 43 CFR Subpart 3833

Legal Deadline: None

Abstract: The rule would make amendments to the regulatory provisions dealing with the surface management of mining claims to incorporate changes recommended by a task force that studied this area.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB36

1334. ONSHORE OIL AND GAS ORDER NO. 8 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This order is being issued under the Oil and Gas Operations regulations as found in 43 CFR Part 3160. The order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB37

1335. EXPLORATION ACTIVITY; OIL AND GAS LEASING; COMPETITIVE LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3120

Legal Deadline: None

Abstract: The rulemaking will issue corrections and clarifications to published final rule of June 17, 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judy Reed, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, 202 653-2196

RIN: 1004–AB41

1336. MINING CLAIMS UNDER THE GENERAL MINING LAW - NATURE AND CLASSES OF MINING CLAIMS ASSESSMENT WORK

Legal Authority: 43 USC 1732 to 1733; 30 USC 28-1; 30 USC 28-2; 30 USC 26; 30 USC 33; 43 USC 1782

CFR Citation: 43 CFR 3800; 43 CFR 3840; 43 CFR 3850

Legal Deadline: None

Abstract: This rulemaking will amend the existing regulations to include the criteria for the standard of discovery as applied to oil shale placer mining claims and provide clarification of what constitutes substantial compliance with assessment work requirements under the Mining Law.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reed Smith, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB43

1337. COAL MANAGEMENT – GENERAL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will revise the exploration and mining operations, regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB44

1338. ONSHORE OIL AND GAS ORDER NO. 9 - WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Division Chief, Fluid Mineral Lease & Reservoir Management, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB47

1339. LAW ENFORCEMENT, CRIMINAL

Legal Authority: 18 USC 1852; 18 USC 1853; 43 USC 1753

CFR Citation: 43 CFR 5400; 43 CFR 9230

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning the unlawful removal of forest products from public lands. Existing regulations rely on State statutes in those States with statutes, but little support is provided if State statutes do not exist. This regulation would provide this support and improve overall management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-8864

RIN: 1004–AB48

1340. LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide for improved administration of Leases, Permits and Easements under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Chief, Branch of Rights-of-Way and Use Permits, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB51

1341. MINING IN MILITARY WITHDRAWALS

Legal Authority: 100 Stat 3457, sec. 12; 30 USC 22; 43 USC 1701 et seq

CFR Citation: 43 CFR 3826; 43 CFR 3811

Legal Deadline: None

Abstract: This proposed rule establishes guidelines for mining in certain military installations under the Mining Law of 1872, as amended, and for assuring the safe, uninterrupted, and unimpeded use of the lands for military purposes. The Military Lands Withdrawal Act of 1986 specifically provided for certain military lands previously withdrawn from mining to be considered for opening to the operation of the Mining Law of 1872, as amended, with certain special restrictions. Military Lands identified as suitable for mining through the Bureau of Land Management's planning system will be opened on the effective date of an opening order that will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reginald E. Reid, Geologist, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, **202 343-8537**

RIN: 1004–AB52

1342. SPECIAL LAWS AND RULES; RESTATEMENT OF PROCEDURES FOR THE SEGREGATION AND OPENING OF PUBLIC LANDS; AMENDMENT

Legal Authority: 43 USC 1202; 43 USC 851 to 852; 43 USC 869 et seq; 43 USC 641 et seq; 43 USC 321 to 323; 43 USC 231; 25 USC 334; 26 Stat 794; 25 USC 336; 16 USC 485; 72 Stat 339 to 340; 43 USC 852 note; 16 USC 818; 43 USC 315f; 43 USC 1601 et seq; ...

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify procedural aspects of specific actions covering the segregation of public lands as well as procedures under which those lands are opened to the public land and mineral laws.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 43 USC 321; 43 USC 325; 43 USC 327 to 329

Agency Contact: Dennis Samuelson, Realty Specialist, Department of the Interior, Bureau of Land Management, 18th & C St., NW., Washington, DC 20240, **202 343-6486**

RIN: 1004–AB54

1343. PUBLIC AVAILABILITY OF MINERALS RESOURCES INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 3000

Legal Deadline: None

Abstract: This rule will remove conflicts between existing mineral regulations relating to public availability of mineral resources information and the Freedom of Information Act. The rule will also remove discrepancies among the various mineral regulations regarding public release of information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, Washington, DC 20240, **202 653-8853**

RIN: 1004–AB55

1344. CONTRACT EXTENSION

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5473; 43 CFR 5474

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning extension of time for cutting and removal on timber sale contracts. Shorter contract terms and increased seasonal restrictions on operations have caused a problem with the reappraisal requirement for contract extensions. This regulation would allow contract extensions without reappraisal under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, **202 653-8864**

RIN: 1004–AB56

1345. CLASSIFICATIONS

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2420

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide guidance for classification terminations or modifications.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Paugh, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB57

1346. VILLAGE SELECTIONS

Legal Authority: 43 USC 1613

CFR Citation: 43 CFR 2651

Legal Deadline: None

Abstract: This rule would amend the existing regulations to allow underselected Alaska Native Village Corporations to select lands identified

and made available by the Secretary enabling them to fulfill their statutory entitlement under the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Olivia Short, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, 202 343-6511

RIN: 1004–AB58

1347. ● CAVE MANAGEMENT

Legal Authority: 16 USC 4301 et seq; 43 USC 1740

CFR Citation: 43 CFR 37

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This rule will provide criteria to determine whether caves on Federal lands are significant and thereby to be given special attention in planning and other decisions affecting Federal lands.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Keith Corrigall, Chief, Branch of Wilderness Resources, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-6064

RIN: 1004–AB59

1348. ● PROTECTION MANAGEMENT AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS; PRIVATE MAINTENANCE; SUPPORTING INFORMATION AND CERTIFICATION FOR MORE THAN FOUR HORSES OR BURROS

Legal Authority: 16 USC 1331 to 1340; 43 USC 1701 et seq; 18 USC 47; 43 USC 315

CFR Citation: 43 CFR 4700

Legal Deadline: None

Abstract: This rule will prohibit the use of a power of attorney to adopt or maintain more than four (4) wild horses or burros, in order to reduce the likelihood of substantial numbers of the animals being used for commercial purposes after the 1-year maintenance period has ended.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John S. Boyles, Chief, Division of Wild Horses and Burros, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-9215

RIN: 1004–AB63

1349. ● LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will clarify the permit requirements for public assemblies, meetings, gatherings, demonstrations, parades, and other public expressions of views.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Ryan, Associate District Manager, Department of the Interior, Bureau of Land Management, Las Vegas District Office, PO Box 26569, Las Vegas, NV 89126, 702 646-8800

RIN: 1004–AB64

1350. ● OIL AND GAS LEASING

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3104

Legal Deadline: None

Abstract: This rule will revise bond review procedures by removing requirement of surety bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rob Cervantes, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, Premier Bldg., Room 602, Washington, DC 20240, 202 653-2216

RIN: 1004–AB65

1351. ● NATIONAL CONSERVATION AREAS; LAW ENFORCEMENT-CRIMINAL

Legal Authority: 102 Stat. 4571

CFR Citation: 43 CFR 8350; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will provide implementing procedures for the management of the San Pedro Riparian National Conservation Area, and reserve space in the Code of Federal Regulations for procedures for management of other National Conservation Areas.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Jeff O. Holdren, Chief, Branch of Lands, Department of the Interior, Bureau of Land Management, 3643 Main Interior, 18th & C Sts, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB67

1352. ● LAW ENFORCEMENT--CRIMINAL

Legal Authority: 43 USC 1701 et seq.

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: This rule will prohibit individuals from harassing, threatening, giving false information to, or otherwise interfering with officers, volunteers, human resource program enrollees, or other personnel of or associated with the Bureau of Land Management.

DOI—BLM

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Karen Folwell, Assistant Bureau Program Coordinator, Department of the Interior, Bureau of Land Management, (111), Washington, DC 20240, 202 653-7434

RIN: 1004–AB68

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1353. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM - Second Comment Period End	05/16/89 07/17/89	54 FR 21075
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA67

1354. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47904
NPRM Comment Period End	12/28/88	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB32

1355. CONDUCT OF SALES (TIMBER)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5440

Legal Deadline: None

Abstract: This rule would amend the existing regulations to define more precisely when someone may be disbarred from participating in a timber sale and would provide notice and opportunity for a hearing to those who are subject to debarment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28830
NPRM Comment Period End	10/05/87	52 FR 28830
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB35

1356. SALES OF FOREST PRODUCTS; CONDUCT OF SALES

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will amend the existing regulations to specify the conditions under which the provisions of this subpart are applicable to contracts that are not completed.

Timetable:

Action	Date	FR Cite
NPRM	07/28/89	54 FR 31347
NPRM Comment Period End	08/28/89	54 FR 31347
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB39

1357. SALES OF FOREST PRODUCTS; AWARD OF CONTRACT

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5450; 43 CFR 5460

Legal Deadline: None

Abstract: This rule will amend the existing regulations as they relate to timber sale contract performance bonds to discourage bidding at such a rate that the bidder, if awarded the contract, would be unable to perform under the terms of the contract.

DOI—BLM

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29357
NPRM Comment Period End	09/11/89	54 FR 29357
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB40

1358. FEES, RENTS, AND ROYALTIES

Significance: Agency Priority

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3473.3-2(a)(3)

Legal Deadline: None

Abstract: This rule will revise the royalty rate for coal removed from an underground mine to be a fixed percentage in the range limited by 5 percent and 8 percent.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28822
NPRM Comment Period End	09/28/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB45

1359. AWARD OF CONTRACT; SALES ADMINISTRATION

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5450

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning timber sale contract performance bonds and payments to encourage responsible bidding at such a rate that the bidder, if awarded the contract, would be able to perform the obligations under the contract.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31055
NPRM Comment Period End	10/17/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-8864

RIN: 1004–AB49

1360. GEOTHERMAL RESOURCES LEASING

Legal Authority: 30 USC 1001 to 1027

CFR Citation: 43 CFR 3200

Legal Deadline: None

Abstract: The rule would amend the existing regulations concerning definitions of terms, excepted areas, leasing terms, diligent exploration requirements, and review of executing agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/06/89	54 FR 13884
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Douglas Koza, Chief, Branch of Compliance and Operations, Department of the Interior, Bureau of Land Management, 1725 I St. NW, (Premier Bldg.), Washington, DC 20006 202 653-2127

RIN: 1004–AB53

1361. ● SALES OF FOREST PRODUCTS

Legal Authority: 43 USC 1181a et seq; 30 USC 601 et seq

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will remove the requirement for semi-annual reports to Congress on negotiated timber sales of 250 M board feet or more made since the last report. The report is no longer required by law. This is an administrative final rulemaking removing this and other obsolete administrative requirements.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, Premier Bldg., Room 901, Washington, DC 20240, 202 653-8864

RIN: 1004–AB66

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Completed Actions

1362. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39542
NPRM Comment Period End	12/21/87	52 FR 39542
Withdrawn Replaced by RIN 1004-AB57	07/14/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Jim Paugh, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB19

1363. OFF-ROAD VEHICLES

Legal Authority: 43 USC 1201; 43 USC 315a; 16 USC 1531 et seq; 16 USC 1281c; 16 USC 670 et seq; 16 USC 4601 to 6a; 16 USC 1241 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 8340

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify some of the definitions to remove confusion that has arisen since the implementation of the existing regulations and to improve the public notification process provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27017
NPRM Comment Period End	09/15/87	52 FR 27017
Final Action	08/17/88	53 FR 31002
Final Action Effective	09/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Traylor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 2661, Main Interior Bldg., Washington, DC 20240, **202 343-9353**

RIN: 1004–AB26

1364. SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: PL 90-554

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None

Abstract: Existing regulations permit timber export and purchase volumes to "ratchet" upward at a questionable rate, leading to substitution. The existing regulations need simplification. The rule would correct both of these concerns.

Timetable:

Action	Date	FR Cite
End Review No action expected at this time.	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-8864**

RIN: 1004–AB34

1365. RIGHTS-OF-WAY, TRESPASS, AND LAW ENFORCEMENT - CRIMINAL

Legal Authority: 16 USC 433; 16 USC 4601-6a; 16 USC 670j; 16 USC 1246(i); 16 USC 1338; 18 USC 1851 to 1861; 43 USC 315(a); 43 USC 1061; 43 USC 1181a; 43 USC 1732; 43 USC 1733; 43 USC 1740; 43 USC 1761 to 1771; 43 USC 1063; 43 USC 1181b

CFR Citation: 43 CFR 2800; 43 CFR 2810; 43 CFR 2880; 43 CFR 9230; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will amend the existing regulations to address administrative costs associated with trespass resolution and to establish penalties for willful right-of-way trespass.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37319
NPRM Comment Period End	11/25/88	
Final Action	06/20/89	54 FR 25851
Final Action Effective	07/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Oscar Anderson, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, **202 343-5441**

RIN: 1004–AB46

1366. ● RULES OF CONDUCT; CONTROLLED SUBSTANCES ON FEDERAL LAND

Legal Authority: 16 USC 1241 et seq; 16 USC 1281c; 16 USC 460l-6a; 18 USC 670 et seq; 43 USC 1701 et seq; 43 USC 3152

CFR Citation: 43 CFR 8365

Legal Deadline: None

Abstract: This rule makes cultivation, manufacture, delivery, distribution, trafficking, or possession of controlled substances on public lands subject to criminal penalties.

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1194
NPRM Comment Period End	02/13/89	
Final Action	05/19/89	54 FR 21623
Final Action Effective	06/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Johnson, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, **202 653-8815**

RIN: 1004–AB60

1367. ● GRAZING ADMINISTRATION EXCLUSIVE OF ALASKA

Legal Authority: 43 USC 315; 43 USC 315a to 315r; 43 USC 1701 et seq; 43 USC 1182d; 98 Stat. 1837

CFR Citation: 43 CFR 4100

Legal Deadline: None

Abstract: This rule allows the BLM to determine on a case-by-case basis whether to cancel or suspend a grazing preference in whole or in part or, where resource conditions warrant, to permit livestock grazing preferences to continue unchanged despite a reduction in the acreage available for livestock grazing.

Timetable:

Action	Date	FR Cite
NPRM	12/08/88	53 FR 49565
NPRM Comment Period End	02/08/89	

DOI—BLM

Completed Actions

Action	Date	FR Cite
Final Action	07/28/89	54 FR 31484
Final Action Effective	08/28/89	54 FR 31484

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Billy R. Templeton, Chief, Division of Rangeland Management, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 653-9193

RIN: 1004–AB61

BILLING CODE 4310-84-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Mines (MINES)

Completed Actions

1368. ● MINING AND MINERAL RESOURCES RESEARCH INSTITUTE PROGRAM

Legal Authority: PL 98-409; PL 100-483

CFR Citation: 30 CFR 652; 30 CFR 890

Legal Deadline: None

Abstract: This rule redesignates regulations at 30 CFR 890 as a new Part 652 and revises and updates the regulations to reflect the transfer of the Mineral Institutes Program from the Office of Surface Mining. The rule contains eligibility criteria for the Mineral Institutes Program as well as a description of participants' duties and administrative procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36582
NPRM Comment Period End	10/21/88	
Final Action	09/18/89	54 FR 38377
Final Action Effective	10/18/89	54 FR 38377

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald A. Munson, Chief, Office of Mineral Institutes, Department of the Interior, Bureau of Mines, 1040 Columbia Plaza, 2401 E Street, NW, Washington, DC 20241, 202 634-1328

RIN: 1032–AA00

BILLING CODE 4310-53-T

[FR Doc. 88-21723 Filed 10-27-89; 8:45 am]



Monday
October 30, 1989

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its October 1989 regulatory agenda pursuant to Executive Order No. 12291 "Federal Regulation," 3 CFR part 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. sections 601-612 (West 1984), and Office of Management and Budget Bulletin No. 89-12, July 5, 1989.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue NW., Washington, DC 20530, (202) 633-3123.

Dated: August 30, 1989.

Kevin R. Jones,

Acting Director, Office of Policy Development.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1369	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03

General Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1370	Representation and Appearances	1103-AA21
1371	Expedited Deportation Proceedings for Aliens Convicted of Aggravated Felonies	1103-AA22

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1372	Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures	1103-AA18

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1373	Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair (Cont)	1103-AA14
1374	Procedures for Tax Refund Offsets for the Collection of Judgments	1103-AA16
1375	Aliens and Nationality, Asylum and Withholding of Deportation Proceedings	1103-AA19
1376	Justice Acquisition Regulations Title 48; Justice Acquisition Circular 89-1	1103-AA20

General Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1377	Justice Acquisition Regulations Title 48 2822 Nondiscrimination on the Basis of Handicap in DOJ Contracting Activities	1103-AA17

DOJ

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1378	Application for Verification of Information from INS Service Records; Form and Fee Cancellation	1115-AA66
1379	Nonimmigrant Classes; Special Requirements for Admission; Extension and Maintenance of Status	1115-AA68
1380	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB12
1381	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB13
1382	Prosecution for Escape From Service Custody	1115-AB15
1383	Aliens and Nationality	1115-AB19
1384	Fee Remittances, Cash and Personal Check Elimination	1115-AB24
1385	Nonimmigrant Classes	1115-AB26
1386	Nonimmigrant Classes	1115-AB31
1387	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB37
1388	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB38
1389	Documentary Requirements; Nonimmigrants; Nonresident Alien Border Crossing Card	1115-AB39
1390	Field Officers, Powers and Duties	1115-AB41
1391	Aliens in Immediate and Continuous Transit	1115-AB42
1392	Transit Without Visa	1115-AB45
1393	Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearing, and Appeal	1115-AB49
1394	Employment Authorization for the Spouse and Dependent Children of an Exchange Alien	1115-AB50
1395	Nonimmigrant Classes; Special Requirement for Admission, Extension and Maintenance of Status, Control of Employment of Alien	1115-AB52
1396	Deportation of Aliens; Aliens Convicted of Aggravated Felonies	1115-AB56

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1397	Asylum Procedures	1115-AA13
1398	Powers and Duties of Service Officers; Availability of Service Records	1115-AA21
1399	Nonimmigrant Classes; Temporary Employees	1115-AA25
1400	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1401	Immigration User Fee Review	1115-AA30
1402	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act	1115-AA44
1403	State Employment Agencies	1115-AA50
1404	Equal Treatment of Fathers	1115-AA76
1405	Special Agricultural Workers	1115-AA83
1406	Contracts with Transportation Lines	1115-AA88
1407	Acceptance by Overseas Immigration and Naturalization Service Officers and American Consulates of Jurisdiction of Relative Petitions Based on Residence of Petitioners	1115-AB01
1408	Replenishment Agricultural Workers Regulations	1115-AB05
1409	INS/EOIR Fee Review	1115-AB11
1410	Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation, and by Aircraft	1115-AB14
1411	Conditions for Release From Custody and/or Bond and for Change of Venue	1115-AB16
1412	Appeals, Precedents, Certifications, and Motions	1115-AB17
1413	Aliens and Nationality	1115-AB22
1414	Aliens and Nationality	1115-AB23
1415	Applications, Petitions, and Other Documents--Evidence	1115-AB25
1416	Aliens and Nationality; Asylum and Withholding of Deportation Procedures	1115-AB27
1417	Nonimmigrant Classes Pursuant to the U.S.-Canada Free Trade Agreement	1115-AB29
1418	Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status, Control of Employment of Aliens	1115-AB30
1419	Judicial Recommendations Against Deportation; Controlled Substance Violations	1115-AB33
1420	Availability of Decisions and Interpretive Material Under the Freedom of Information Act	1115-AB36
1421	Waiver of Certain Types of Visas	1115-AB40
1422	Adjustment to Permanent Resident Status	1115-AB43
1423	Inspection of Persons Applying for Admission	1115-AB44
1424	Subpoena Issuance Authority	1115-AB46
1425	Verification of Immigration Status of Aliens Applying for Benefits Under Certain Programs	1115-AB47
1426	Apprehension, Custody, and Detention: Clarification of Force and Effect of Service Detainers (Form I-247)	1115-AB48
1427	Statement of Organization; Ports of Entry for Aliens Arriving by Aircraft	1115-AB51
1428	Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation, and by Aircraft	1115-AB53

DOJ

Immigration and Naturalization Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1429	Cooperative Agreement; Qualified Designated Entities (QDEs) in Good Standing Authorized To Conduct the Registration of Persons Abroad Seeking Replenishment Agricultural Worker (RAW) Status	1115-AB54
1430	Deportation of Aliens; Warrants of Deportation and Authentication of Foreign Records	1115-AB55
1431	Pilot Study of a Telephone Verification System for Employers to Verify the Immigration Status of Alien Employees	1115-AB57
1432	Computer-Matching Agreements between INS and State Agencies using INS's Systematic Alien Verification for Entitlements (SAVE) Program	1115-AB58

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1433	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits	1115-AA19
1434	Adjustment of Status to That of Persons Admitted for Permanent Residence; Creation of Records of Lawful Admission of Permanent Residence	1115-AA31
1435	Bonds	1115-AA41
1436	Temporary Disqualification of Certain Newly Legalized Aliens from Receiving Benefits from Federal Programs of Financial Assistance	1115-AA55
1437	Nonimmigrant Classes, Special Requirements	1115-AA65
1438	Certificate of Citizenship	1115-AA67
1439	Establishment of National Fines Office	1115-AA73
1440	Change of Nonimmigrant Classification	1115-AA87
1441	Adjustment of Status for Certain Aliens	1115-AA97
1442	Alien Commuters	1115-AB08
1443	Documentary Requirements: Immigrants; Waivers; Conditional Basis of Lawful Permanent Resident Status for Certain Alien Spouses and Sons and Daughters	1115-AB18
1444	Nonimmigrant Classes	1115-AB28
1445	School Approval and Withdrawal Regulations	1115-AB32
1446	Public Notice Legalization: English Language/Citizenship Standard Test	1115-AB34

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1447	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1448	Notification of Obligations of Agents of Foreign Governments Under 18 USC 951	1105-AA06

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1449	Criminal Intelligence Systems Operating Policies	1121-AA12
1450	Criminal Justice Information Systems	1121-AA13

DOJ

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1451	Equal Employment Opportunity Program Guidelines	1121-AA10
1452	Nondiscrimination in OJP Federally Assisted Programs	1121-AA11

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Final Rule Stage

1369. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation. On August 12, 1987 DOJ submitted to HHS a draft final regulation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Worthen, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 724-2217

RIN: 1190–AA03

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Prerule Stage

1370. ● REPRESENTATION AND APPEARANCES

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Legal Deadline: None

Abstract: The proposed regulation would amend 8 CFR 292.1 and enable first and second year law students taking part in a clinical program at an accredited law school to represent individuals before the Immigration and Naturalization Service, Board of Immigration Appeals, and Immigration Judges under certain specified circumstances. It will also eliminate the provision allowing law school graduates without bar admission to practice under certain limited circumstances before the Service, Board, and Immigration Judges.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA21

1371. ● EXPEDITED DEPORTATION PROCEEDINGS FOR ALIENS CONVICTED OF AGGRAVATED FELONIES

Significance: Agency Priority

Legal Authority: 8 USC 1101(a)(43); 8 USC 1252(a)(1) to (2); 8 USC 1252a; 8 USC 1254(e)(1)(2); 8 USC 1251(a)(4)(B)

CFR Citation: 8 CFR 3.39; 8 CFR 3.40; 8 CFR 3.41; 8 CFR 3.42; 8 CFR 3.43; 8 CFR 3.44; 8 CFR 3.45; 8 CFR 3.46; 8 CFR 3.47

Legal Deadline: None

Abstract: The proposed regulation will establish procedures for implementing sections 101(a)(43); 242(a)(1) and (2); 242(k); 244(e)(1) and (2); and 241(a)(4)(B) of the Immigration and Nationality Act as amended by the Anti-Drug Abuse Act of 1988. Specifically, these regulations will add a new Subpart D to 8 CFR Part 3 which will provide expedited deportation proceedings for aliens convicted of crimes defined as aggravated felonies in section 101(a)(43) of the Act.

DOJ—DOJADM

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA22

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1372. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES

Legal Authority: EO 12356

CFR Citation: 28 CFR 17

Legal Deadline: None

Abstract: To establish procedures for granting, denying, suspending, and revoking access to national security information originated by, or in the control of, the Department of Justice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Department of Justice, General Administration, 10th & Constitution Avenue, NW, Washington, DC 20530, 202 633-2094

RIN: 1103–AA18

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1373. RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR (CONT)

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 554; 8 USC 1103; 8 USC 1324a; 8 USC 1324b

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: These regulations will provide the rules of practice and procedure in administrative hearings regarding allegations of unlawful hiring, recruiting or referring for a fee, for employment in the United States of aliens, knowing that the aliens are not authorized to work in the United States, or the continued employment of aliens in the United States knowing the aliens are (or have become) unauthorized to work in the United States, failure to comply with the employment verification requirements and unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/24/87	52 FR 44972

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Immigration-Related Employment Practices

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, 5203 Leesburg Pike, Suite 1609, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA14

1374. PROCEDURES FOR TAX REFUND OFFSETS FOR THE COLLECTION OF JUDGMENTS

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: The proposed regulation will establish procedures for referring to the Department of the Treasury debts for collection by offset against Federal income tax refunds. Authority to do this program expired on June 30, 1988. In limbo at present time pending Congress' action on authorization to extend offset authority. If Congress approves authorization to extend offset authority, we will follow up with necessary action.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22026
Interim Final Rule	03/09/89	54 FR 9979
Interim Final Rule Effective	03/09/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert C. Niffenegger, Department of Justice, General Administration, 10th Street and Constitution Avenue, NW, Washington, DC 20530, 202 633-5345

RIN: 1103–AA16

1375. ALIENS AND NATIONALITY, ASYLUM AND WITHHOLDING OF DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208.10

Legal Deadline: None

Abstract: The proposed regulation change would make certain grounds for the mandatory denial of asylum claims,

DOJ—DOJADM

Final Rule Stage

such as certain serious criminal convictions, applicable in deportation and exclusion proceedings. It would clarify the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of the alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	53 FR 28231

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA19

1376. ● JUSTICE ACQUISITION REGULATIONS TITLE 48; JUSTICE ACQUISITION CIRCULAR 89-1

Legal Authority: 28 USC 510; 40 USC 486(c)

CFR Citation: 48 CFR 2801.404, (Revision); 48 CFR 2801.470, (New); 48 CFR 2803.104, (New); 48 CFR 2813.570, (New); 48 CFR 2819.5, (New)

Legal Deadline: None

Abstract: 48 CFR 2801.404 and 48 CFR 2801.470. These rules will revise the procedures for obtaining class deviations from the Federal Acquisition Regulations and Justice Acquisition Regulations and add procedures and requirements for requesting deviations.

48 CFR 2803.104. These rules are necessary to implement section 27, Procurement Integrity, of the Office of Federal Procurement Policy Act Amendments of 1988.

48 CFR 2813.570. These rules will standardize documentation required for purchase orders.

48 CFR 2819.5. These rules will establish procedures for the modification or withdrawal of small business set-asides.

The requirement to implement 41 USC 423 arose between agendas.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. L. Vann, Procurement Executive, Department of Justice, General Administration, 633 Indiana Ave., NW., Room 542, Washington, DC 20530, 202 272-8354

RIN: 1103–AA20

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

1377. JUSTICE ACQUISITION REGULATIONS TITLE 48 2822 NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DOJ CONTRACTING ACTIVITIES

CFR Citation: 48 CFR 2822 (New); 48 CFR 2852, 270-1

Completed:

Reason	Date	FR Cite
Withdrawn	08/25/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. L. Vann 202 272-8354

RIN: 1103–AA17

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Proposed Rule Stage

1378. APPLICATION FOR VERIFICATION OF INFORMATION FROM INS SERVICE RECORDS; FORM AND FEE CANCELLATION

Legal Authority: 8 USC 1103; 31 USC 9701; 5 USC 553(d); 5 USC 553(b); 5 USC 605(b)

CFR Citation: 8 CFR 103.7; 8 CFR 103.21; 8 CFR 299.1; 8 CFR 343c.1; 8 CFR 499.1; 28 CFR 16.46

Legal Deadline: None

Abstract: The Immigration and Naturalization Service ("the Service") entertains numerous requests for verification of information from INS Service Records, via Form G-641. This form has been misused as a substitute document, while other INS documents are being prepared (i.e., I-94, I-551 or Certificate of Naturalization or Citizenship). Should an applicant need to have his or her status verified while waiting for one of these documents to be processed, and such verification can be satisfied by obtaining a copy of a document (certified if necessary), an FOIA/PA request can be made. If verification is needed to obtain a benefit and a copy will not suffice, the agency needing verification can make a direct request to the INS and it will be handled as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1044-88

Agency Contact: Nina Conner, Information Management Specialist, Department of Justice, Immigration and Naturalization Service, Room 5060, 425 I

DOJ—INS **Proposed Rule Stage**

Street, NW, Washington, DC 20536, **202 633-5365**

RIN: 1115–AA66

1379. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION; EXTENSION AND MAINTENANCE OF STATUS

Legal Authority: 8 USC 1101(a)(15)(B); 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None

Abstract: This notice announces the intent of the Immigration and Naturalization Service ("the Service") to set forth, in regulatory form, the special requirements for admission, extension and maintenance of status of nonimmigrant alien visitors for business and visitors for pleasure. Much of the Service's written policy relating to this subject is now contained in the Service's Operations Instructions at O.I. 214.2(b). Because it is more appropriate for interpretations and rules to be set forth in regulatory form, this information will become part of 8 CFR 214. In addition, the proposed rulemaking will clarify the criteria for according B-1 classification to members of certain occupations (such as participants in religious programs and members of foreign film crews). By issuing this advance notice, the Service is providing an opportunity to the public to submit comments and make suggestions at an earlier stage of the process. This will result in a proposed rule which is more comprehensive in its scope and more understandable to the public.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/87	52 FR 36783
ANPRM Comment Period End	11/16/87	52 FR 36783
NPRM Comment Period End	02/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1025-89

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-3946**

RIN: 1115–AA68

1380. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.4(c)

Legal Deadline: None

Abstract: This regulation will impact Service administration and public awareness on issues concerning "Subsequent Petition by Same Petitioner for Same Beneficiary."

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number: 1208-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5014**

RIN: 1115–AB12

1381. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(8)

Legal Deadline: None

Abstract: This regulation will impact Service administration and public awareness on issues concerning blood testing.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number: 1207-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5014**

RIN: 1115–AB13

1382. PROSECUTION FOR ESCAPE FROM SERVICE CUSTODY

Legal Authority: PL 100-690

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: The regulation will create implementing language for that section of the Anti-Drug Abuse Act of 1988 that makes escape, attempted escape, or assisting in an escape from Service custody a misdemeanor offense.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number: 1213-89

Agency Contact: Carol Jenifer, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-2276**

RIN: 1115–AB15

1383. ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 241; 8 CFR 242; 8 CFR 243; 8 CFR 244; 8 CFR 274a; 8 CFR 287

Legal Deadline: None

Abstract: Amendments to procedural language describing the administrative procedures used by the Immigration and Naturalization Service in apprehension, custody, hearing, and appeal processes for aliens convicted of aggravated felonies. These changes are predicated upon the amendments to the Immigration and Nationality Act contained in the Anti-Drug Abuse Act of 1988 (Subtitle J-Provisions Relating to the Deportation of Aliens Who Commit Aggravated Felonies).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number: 1209-89

Agency Contact: Robert A. McGraw, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-2997**

RIN: 1115–AB19

1384. FEE REMITTANCES, CASH AND PERSONAL CHECK ELIMINATION

Legal Authority: 5 USC 522(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to modify our fee remittance policy to the acceptance of certified/cashiers checks and money orders only. This change is necessary to reduce misappropriation of funds, eliminate manpower and administrative costs, and to provide improved services to fee remitters.

Timetable:

Action	Date	FR Cite
NPRM	05/09/89	54 FR 19905
NPRM Comment Period End	06/08/89	54 FR 19905
Proposed Rule to be Withdrawn by Agency	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number: 1127-89

Agency Contact: Charles Thomason, Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-4705**

RIN: 1115–AB24

1385. NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This regulation amends regulations relating to temporary treaty traders and investors under 101 (a)(15)(E) of the INA. It further expands and clarifies current regulations for greater public understanding.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number: 1203-89

Agency Contact: Pearl Chang, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-3946**

RIN: 1115–AB26

1386. NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 CFR 2

CFR Citation: 8 CFR 214.2(k)

Legal Deadline: None

Abstract: This rule will impact Service Administration and public awareness concerning issues related to "Fiancees and fiances of United States Citizens."

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number: 1204-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5014**

RIN: 1115–AB31

1387. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(8); 8 CFR 204.1(a)(2)(iii)

Legal Deadline: None

Abstract: This regulation will impact Service Administration and public awareness concerning issues related to "Relationship by Adoption."

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1206-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-5014**

RIN: 1115–AB37

1388. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(3); 8 CFR 204.2(c)(4); 8 CFR 204.2(c)(5); 8 CFR 204.1(a)(1)

Legal Deadline: None

Abstract: This rule will impact Service administration and public awareness.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1205-89

Agency Contact: Yolonda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-5014**

RIN: 1115–AB38

1389. ● DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; NONRESIDENT ALIEN BORDER CROSSING CARD

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 235; 8 CFR 245; 8 CFR 264; 8 CFR 299

Legal Deadline: None

Abstract: Standardize procedures governing issuance of border crossing cards to aliens who are citizens and residents of Mexico. The rule also relates to issues and procedures for inspecting an alien who presents a border crossing card and the eligibility of an alien who entered the United States with a border crossing card to adjust status in the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1235-89

Agency Contact: Gene Paz, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB39

1390. ● FIELD OFFICERS, POWERS AND DUTIES

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287

Legal Deadline: None

Abstract: This rule would permit proof of official records of Canada to be treated in an identical manner as domestic records. This would help expedite the obtaining of records for use in a variety of Service proceedings such as deportations, exclusion and rescission. The Service is attempting to accelerate the obtaining of records to quicken the removal of criminal aliens who are citizens or nationals of Canada. This in many instances will save the Service detention costs while awaiting the receipt of documents authenticated in accordance with 8 CFR 287.6(b).

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INS Number 1224-89

Agency Contact: Ira Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7240, Washington, DC 20536, **202 633-3098**

RIN: 1115–AB41

1391. ● ALIENS IN IMMEDIATE AND CONTINUOUS TRANSIT

Legal Authority: 8 USC 1103; 8 USC 1228

CFR Citation: 8 CFR 238.3; 8 CFR 212.1(f)

Legal Deadline: None

Abstract: Amendments to section 212.1(f) as well as to section 238(d) eliminating the 8-hour transit time period replacing it with 48-hour and eliminating approved itinerary from the regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: INS Number 1236-89

Agency Contact: Susan Curda, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, **202 633-2725**

RIN: 1115–AB42

1392. ● TRANSIT WITHOUT VISA

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 238

Legal Deadline: None

Abstract: This rule will require that aliens being transported in immediate and continuous transit through the United States be in possession of the appropriate visa prior to application for admission and removes 8 CFR 212.1(f) by eliminating direct transit without visas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1232-89

Agency Contact: Gene Paz, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB45

1393. ● PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 242.2(c)

Legal Deadline: None

Abstract: This regulation will amend the rules regarding warrants of arrest to delineate when a warrant of deportation may be used in lieu of a warrant of arrest to take an alien into custody.

Timetable:

Action	Date	FR Cite
NPRM	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1227-89

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7240, Washington, DC 20536, **202 633-3098**

RIN: 1115–AB49

DOJ—INS

Proposed Rule Stage

1394. ● EMPLOYMENT AUTHORIZATION FOR THE SPOUSE AND DEPENDENT CHILDREN OF AN EXCHANGE ALIEN

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214.2(e)

Legal Deadline: None

Abstract: The rule will amend INS regulations relating to employment authorization for dependents of an exchange alien in J-1 visa classification.

Timetable:

Action	Date	FR Cite
NPRM	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1233-89

Agency Contact: Pearl B. Chang, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Room 7122, Washington, DC 20536, 202 633-3240

RIN: 1115–AB50

1395. ● NONIMMIGRANT CLASSES; SPECIAL REQUIREMENT FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIEN

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 214.2; 8 CFR 274a.12

Legal Deadline: None

Abstract: Collaborative effort with INS, Department of State and Department of Defense on revising Service regulations relating to employment authorization for dependents of certain principal aliens in NATO status. The revision is to clarify the current regulations and bring them more into alignment with the A and G regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1234-89

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7122, Washington, DC 20536, 202 633-3240

RIN: 1115–AB52

1396. ● DEPORTATION OF ALIENS; ALIENS CONVICTED OF AGGRAVATED FELONIES

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 212; 8 CFR 242; 8 CFR 244

Legal Deadline: None

Abstract: Changes necessitated by the Anti-Drug Abuse Act of 1988 provisions relating to aliens convicted of aggravated felonies.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1226-89

Agency Contact: Roberta L. Inamorato, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7240, Washington, DC 20536, 202 633-3093

RIN: 1115–AB56

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Final Rule Stage

1397. ASYLUM PROCEDURES

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f); 8 CFR 3

Legal Deadline: None

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32552
NPRM Comment Period End	10/27/87	52 FR 32552
Modification of Proposed Rule	04/06/88	53 FR 11300
Comment Period End	05/06/88	53 FR 11300
Final Action	01/31/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: DOJ Order Number on revised proposed rule 1267-88.

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5463

RIN: 1115–AA13

1398. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103; Office of Management and Budget Circular A-25

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to amend the fee schedule of the Immigration and Naturalization Service. This change will add fees for two new forms created as a result of the Immigration Marriage

Fraud Amendments of 1986 (IMFA). These forms are the Joint Petition to Remove the Conditional Basis of Alien's Permanent Resident Status (Form I-751) and the Application for Waiver of Requirement to File Joint Petition for Removal of Conditions (Form I-752). The proposed charges reflect the estimated cost of providing the benefits and services to the public, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 26210
NPRM Comment Period End	07/24/89	54 FR 26210
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number E-88 DOJ Order Number 1353-89

Agency Contact: Michael Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-3946**

RIN: 1115–AA21

1399. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the Nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to provide permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This interim rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1008-88

Agency Contact: Michael L. Aytes, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2982**

RIN: 1115–AA25

1400. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number C-88

Agency Contact: Joanna London, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2895**

RIN: 1115–AA29

1401. ● IMMIGRATION USER FEE REVIEW

Legal Authority: PL 99-591

CFR Citation: 8 CFR 286

Legal Deadline: None

Abstract: Section 205 of the Department of Justice Appropriation Act of 1987 requires that at the end of each 2-year period, the Attorney General, following a public rulemaking with opportunity for notice and comment, must submit a report to the Congress concerning the status of the Immigration User Fee Account (IUFA) and recommend any adjustment in the prescribed fee. This rule accomplishes this requirement.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24714
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INS Number 1212-89

Agency Contact: Charles S. Thomason, Systems Accountant, Finance Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-4705**

RIN: 1115–AA30

1402. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Significance: Regulatory Program

Legal Authority: 8 USC 1101

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The proposed rule amends regulations of the INS relating to Temporary Alien Workers seeking classification under section 101(a) (15) (H) of the Immigration and Nationality Act.

DOJ—INS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/26/88	53 FR 43217
Another Proposed Rule Published	10/26/88	53 FR 43217
NPRM Comment Period End	11/25/88	53 FR 43217
Comment Period End	11/25/88	53 FR 43217
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1040-88

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-3240**

RIN: 1115–AA44

1403. STATE EMPLOYMENT AGENCIES

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; PL 99-603

CFR Citation: 8 CFR 274a.6

Legal Deadline: None

Abstract: This interim rule amends the regulations at 8 CFR 274a.6, defining procedures for State employment agencies in verifying the identity and employment eligibility of individuals and certifying verifications to employers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/87	52 FR 43050
Effective date of Interim Rule	11/09/87	52 FR 43050
Comment period closes on Interim Rule	01/08/88	52 FR 43050
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS Number 1046-87

Agency Contact: Michael J. Creppy, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Room 7048, Washington, DC 20536, **202 633-2895**

RIN: 1115–AA50

1404. EQUAL TREATMENT OF FATHERS

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This revision is to assist in the implementation of PL 99-603, the Immigration Reform and Control Act of 1986, which recognizes, for preference petition purposes, the relationship between a biological father and his illegitimate child.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/89	54 FR 11160
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1049-87

Agency Contact: Yolanda Sanchez-K, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-5014**

RIN: 1115–AA76

1405. SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 note; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 8 USC 1182; 8 USC 1252; 8 USC 1362; ...

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 242

Legal Deadline: None

Abstract: This rule implements a new amendment to section 210 of the INA by deleting the entry cut-off date for eligibility to file applications under section 210 in the United States; and establishing standards and procedures for processing "preliminary applications" at designated ports of entry on the southern land border. This rule clarifies and makes various grammatical and technical amendments to the regulations governing the Special Agricultural Worker Program including changes necessitated by the new amendments to section 210. The rule defines the term "preliminary application"; deletes the limitation on the authority of District Directors to deny applications at legalization offices; deletes the filing date requirement for eligible aliens apprehended prior to the application period; clarifies the provision concerning where appeals under Part 210 are to be filed; deletes the references to issuance of an Order to Show Cause and Warrant of Arrest in cases where the United States Attorney declines prosecution; clarifies the provision requiring notification of decisions to the applicant's representative; confirms that Special Agricultural Worker (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/88	53 FR 10062
Comment period closes	04/28/88	53 FR 10062
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1101-88

ABSTRACT CONT: applicants are permitted to travel outside the United States and reenter upon the presentation of a valid unexpired Form I-688A; provides for eligible applicants to be issued the Temporary Resident Card at any Legalization Office; and, deletes the transitional admission.

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers (SAW), Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 786-3658**

RIN: 1115–AA83

1406. ● CONTRACTS WITH TRANSPORTATION LINES

Legal Authority: 8 USC 1356

CFR Citation: 8 CFR 238.2(b); 8 CFR 238.3(b)

Legal Deadline: None

DOJ—INS

Final Rule Stage

Abstract: This action would add or delete the names of airlines under those signatory to an agreement with the US Government for the pre-flight inspection of passengers destined for the United States embarking from various designated foreign locations. In addition it would add or delete the names of transportation companies under those signatory to an agreement with the US Government for the transporting of passengers in direct and continuous transit through the United States destined for a third country.

Timetable:

Action	Date	FR Cite
Final Action	10/31/89	
At regular intervals updates to this listing will be made by the Immigration Service	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1041-87

Agency Contact: Donna Kay Barnes, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-3269**

RIN: 1115–AA88

1407. ACCEPTANCE BY OVERSEAS IMMIGRATION AND NATURALIZATION SERVICE OFFICERS AND AMERICAN CONSULATES OF JURISDICTION OF RELATIVE PETITIONS BASED ON RESIDENCE OF PETITIONERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This amendment revises and clarifies the process used by overseas INS offices and American consulates in accepting jurisdiction of Forms I-130, petitions for alien relatives.

Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7433
NPRM Comment Period End	03/23/89	54 FR 7433
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INS Number 1055-88

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 633-5014**

RIN: 1115–AB01

1408. REPLENISHMENT AGRICULTURAL WORKERS REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: This rule adds a new Part 210a of 8 CFR, to conform with the new section 210A of the Immigration and Nationality Act, established by the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603. The purpose of this proposed rule is to set forth the criteria and procedures to be used to admit or adjust the status of replenishment agricultural workers for temporary residence, and to address the rights and obligations of aliens admitted or adjusted under this section.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9054
NPRM Comment Period End	04/03/89	
Interim Final Rule	07/17/89	54 FR 29875
Interim Final Rule Effective	07/17/89	54 FR 29875
Interim Final Rule Comment Period End	08/16/89	54 FR 29875
Final Action	11/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1201-89

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers, Department of Justice, Immigration and Naturalization Service, 425 Eye Street NW, Washington, DC 20536, **202 786-5723**

RIN: 1115–AB05

1409. INS/EOIR FEE REVIEW

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule proposes to amend the existing fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review (EOIR). These changes are necessary to place the financial burden of providing special services and benefits which do not accrue to the public at large on the recipients of these special services and benefits. Charges have been adjusted to more nearly reflect the current recovery cost of providing these special services and benefits, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 5030
NPRM Comment Period End	01/13/89	
Final Action	04/04/89	54 FR 13513
Final Action Effective	05/04/89	54 FR 13513
Proposed Change-Comments Due by 07/13/89	06/13/89	54 FR 25125

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number F-88

DOJ Order Numbers 1350-89, 1332-89

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Finance Branch, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, **202 633-4705**

RIN: 1115–AB11

DOJ—INS

Final Rule Stage

1410. ● STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION, AND BY AIRCRAFT

Legal Authority: 8 USC 1103; Section 103 of the Immigration and Nationality Act

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: This rule designates specific airports as ports of entry for aliens arriving by aircraft and redesignates other locations as "Class B" ports of entry for aliens who at the time of applying for admission are lawfully in possession of valid alien registration receipt cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in 8 CFR Part 212. Updates to this section and the designated ports of entry are made periodically and published in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1217-89

Agency Contact: Gregory Burcham, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-4033**

RIN: 1115–AB14

1411. CONDITIONS FOR RELEASE FROM CUSTODY AND/OR BOND AND FOR CHANGE OF VENUE

Legal Authority: 8 USC 1103; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; 5 USC 301; 8 USC 1182; 8 USC 1252; 8 USC 1254; 8 USC 1362; EO 12356; 100 Stat 3359; PL 95-145, Title I

CFR Citation: 8 CFR 3; 8 CFR 242

Legal Deadline: None

Abstract: This rule sets forth minimum conditions which an alien who has been placed in custody following the issuance of an order to show cause and a warrant of arrest must meet in order to be considered for release from custody and/or bond. It sets similar conditions which an alien in deportation proceedings must meet in order to obtain a change of venue.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1214-89

Agency Contact: Lolita Semidey, Attorney, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-2895**

RIN: 1115–AB16

1412. APPEALS, PRECEDENTS, CERTIFICATIONS, AND MOTIONS

Legal Authority: 5 USC 522(a); 8 USC 1101; 8 USC 1103; 8 USC 1160; 8 USC 1201; 8 USC 1255a; 8 USC 1303; 8 USC 1304; 8 USC 1455; 31 USC 9701; EO 12356; 3 CFR 1982 Comp., p. 166

CFR Citation: 8 CFR 103.1; 8 CFR 103.3; 8 CFR 103.4; 8 CFR 103.5

Legal Deadline: None

Abstract: The regulatory action deals with appeals, precedent decisions, certifications, and motions. It would have a beneficial impact on the public by increasing the time periods for submission of certain appeals and briefs and making requirements easier to understand. It would have a beneficial impact on the Service by increasing the number of complete appeals filed with any supporting briefs and streamlining the Service's review of certain decisions. It would also change the title of the Chief, Administrative Appeals Unit to Director, which would have a negligible impact.

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29344
NPRM Comment Period End	08/11/89	54 FR 29344
Final Action	05/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1136-89

Agency Contact: Thomas Simmons, Chief, Administrative Appeals Unit, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, **202 376-2084**

RIN: 1115–AB17

1413. ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: Amendments to 8 CFR 242 to add the Deputy Assistant District Director for Investigations to the list of officials authorized to issue orders to show cause and notice of hearing and warrants of arrest in deportation proceedings.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1210-89

Agency Contact: Richard R. Kellner, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, **202 633-3098**

RIN: 1115–AB22

1414. ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq; 8 USC 1103; 8 USC 1324A

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: This action will revise several sections of 8 CFR 274a to incorporate minor technical and editorial changes on the basis of procedural problems identified during the past two years of experience with these new provisions. The provisions deal with employment authorizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/31/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: INS Number 1211-89

Additional INS contact person: Jackie Depew, 633-3946

Agency Contact: Michael J. Creppy, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Room 7048, Washington, DC 20536, 202 633-2895

RIN: 1115–AB23

1415. APPLICATIONS, PETITIONS, AND OTHER DOCUMENTS--EVIDENCE

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)(1)

Legal Deadline: None

Abstract: This rule should resolve the issue of who certifies a copy of an original document.

Timetable:

Action	Date	FR Cite
Final Action	02/28/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1202-89

Agency Contact: Raymond Jaroneski, Jr., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AB25

1416. ALIENS AND NATIONALITY; ASYLUM AND WITHHOLDING OF DEPORTATION PROCEDURES

Legal Authority: 8 USC 1101; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: The provisions of 8 CFR 208.10 are amended to make certain grounds for the mandatory denial of asylum claims, such as an alien's conviction of a particularly serious crime in the United States, directly applicable and binding on applications for asylum that are filed during deportation or exclusion proceedings. The rule also clarifies the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of an alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	
Final Action	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number G-89

INS Contact Person: Ralph Thomas, Deputy Assistant Commissioner, Refugee, Asylum and Parole, 633-5463.

Agency Contact: Gerald Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Department of Justice, Immigration and Naturalization Service, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1115–AB27

1417. NONIMMIGRANT CLASSES PURSUANT TO THE U.S.-CANADA FREE TRADE AGREEMENT

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1201; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1301; 8 USC 1302; 8 USC 1303; ...

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule implements provisions of the United States-Canada Free Trade Agreement (FTA) by establishing procedures for temporary entry of Canadian citizen business persons into the United States. This rule will facilitate temporary entry on a reciprocal basis between the United States and Canada, while recognizing the continued need to ensure border security and to protect indigenous labor and permanent employment in both countries.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	01/01/89	54 FR 12
Interim Final Rule	01/03/89	54 FR 12
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS Number 1138-89

Agency Contact: Edward Skerrett, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AB29

1418. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIENS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule revises the regulations of the INS relating to employment authorization for dependents of certain foreign government and international organization officials classified as A-1, A-2, and G-4 nonimmigrants. It also allows employment authorization for dependents of certain foreign officials classified as G-1 Nonimmigrants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/88	53 FR 46850
Interim Final Rule Effective Date	11/21/88	53 FR 46851
Interim Final Rule Comment Period End	12/21/88	53 FR 46851
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1125-89

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3946

RIN: 1115–AB30

1419. JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; CONTROLLED SUBSTANCE VIOLATIONS

Legal Authority: 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule will require additional data to be provided by an alien seeking a judicial recommendation against deportation in order to help identify him/her to the Immigration and Naturalization Service. This change is necessary to ensure that the Service will be given sufficient information necessary to identify the alien who is the subject of a motion for a judicial recommendation against deportation. This change will permit the Service sufficient time to obtain any file relating to the alien and to prepare a response, if desired, to the alien's motion for a judicial recommendation against deportation.

Timetable:

Action	Date	FR Cite
NPRM	01/04/89	54 FR 154
NPRM Comment Period End	02/03/89	54 FR 154
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1124-89

Agency Contact: Ira Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3098

RIN: 1115–AB33

1420. AVAILABILITY OF DECISIONS AND INTERPRETIVE MATERIAL UNDER THE FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to eliminate the requirement to maintain a public reading room at each district office. Since public use has been minimal, INS proposes to maintain a reading room only at its Central Office in Washington, DC.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4830
NPRM Comment Period End	03/02/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: INS Number 1117-89

Agency Contact: Russell Powell, Chief, FOIA/PA Section, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-1722

RIN: 1115–AB36

1421. ● WAIVER OF CERTAIN TYPES OF VISAS

Legal Authority: 8 USC 1182; 8 USC 1103

CFR Citation: 8 CFR 212.1

Legal Deadline: None

Abstract: The regulation would delegate the authority of the Secretary of State to the District Director and the Officer in Charge of the Immigration & Naturalization Service (INS) to enable INS to waive nonimmigrant visas at ports of entry on routine waiver cases without the concurrence of the Department of State.

Timetable:

Action	Date	FR Cite
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1225-89

Agency Contact: Y. Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Room 7123, Washington, DC 20536, 202 633-4033

RIN: 1115–AB40

1422. ● ADJUSTMENT TO PERMANENT RESIDENT STATUS

Legal Authority: 8 USC 1103; 8 USC 1160; 8 CFR 2

CFR Citation: 8 CFR 210

Legal Deadline: None

Abstract: This rule amends procedures for the adjustment of status of applicants under section 210 of the Immigration and Nationality Act from temporary resident status to permanent resident status. This rule will remove the burden on the alien for determining whether they have maintained temporary resident status.

Timetable:

Action	Date	FR Cite
NPRM	08/03/89	54 FR 31966
NPRM Comment Period End	09/05/89	54 FR 31966
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INS Number 1221-89

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Worker Programs, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 5250, Washington, DC 20536, 202 786-3658

RIN: 1115–AB43

1423. ● INSPECTION OF PERSONS APPLYING FOR ADMISSION

Legal Authority: Section 212 of the Immigration and Nationality Act; 8 USC 1182

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This action would be subsequent to the implementation of the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics concerning mutual visits by inhabitants of the Bering Straits Region to admit Siberian Eskimos who have relatives in the United States. Only travel to the Nome and Kopuk areas of Alaska will be permitted.

DOJ—INS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1237-89

Agency Contact: Joyce Leonard, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, **202 633-4034**

RIN: 1115–AB44

1424. ● SUBPOENA ISSUANCE AUTHORITY

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357

CFR Citation: 8 CFR 287

Legal Deadline: None

Abstract: This rule amends section 287.4(a)(1) and section 287.4(c) of Title 8 of the Code of Federal Regulations by adding the Assistance Chief Patrol Agent officer position to the lists of those Immigration officers who may issue and designate service of subpoenas under this section.

Timetable:

Action	Date	FR Cite
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1120-89

Agency Contact: Arthur A. Harkness, Deputy Chief, Border Patrol, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7232, Washington, DC 20536, **202 633-1109**

RIN: 1115–AB46

1425. ● VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS

Legal Authority: PL 99-603, Sec 121

CFR Citation: None

Legal Deadline: None

Abstract: This notice will serve as an announcement to SAVE participating agencies of GSA's decision to increase their present rate of discount approximately 3.5 percent. The rate change went into effect for FY 89, but due to misinterpretation and irregularities in their notification process, INS is presently negotiating with GSA to waive FY 89 cost increase and appropriately notify SAVE program participants of the new rate. Accordingly, agency managers will have to review their purchase/delivery orders to determine if they have sufficient funds approved to cover the rate increase.

Timetable:

Action	Date	FR Cite
Notice	12/30/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Additional Information: INS Number 1231-89

Agency Contact: Neville N. Cramer, Director, SAVE Program, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, **202 633-2317**

RIN: 1115–AB47

1426. ● APPREHENSION, CUSTODY, AND DETENTION: CLARIFICATION OF FORCE AND EFFECT OF SERVICE DETAINERS (FORM I-247)

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1251; 8 USC 1252; 8 USC 1254; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 242.2

Legal Deadline: None

Abstract: This rule will clarify the force and effect of Service detainers and make clear that a Service detainer has no effect upon the alien or correctional institution until the alien has been released from the custody of the correctional institution.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29050
NPRM Comment Period End	08/10/89	54 FR 29050
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1219-89

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7240, Washington, DC 20536, **202 633-3098**

RIN: 1115–AB48

1427. ● STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

Legal Authority: 8 USC 1103; Section 103 of the Immigration and Nationality Act

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: This action would designate McCarren International Airport in Las Vegas, Nevada as a class "A" port of entry and would identify the facility as a port of entry for all aliens arriving in the United States by aircraft.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1220-89

Agency Contact: Aris R. Kellner, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, **202 633-2725**

RIN: 1115–AB51

1428. ● STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR BY LAND TRANSPORTATION, AND BY AIRCRAFT

Legal Authority: Section 103 of the Immigration and Nationality Act; 8 USC 1103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: Designates/redesignates Class A and B ports of entry for inspection of arriving aliens. The rule relates to agency management.

Timetable:

Action	Date	FR Cite
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1238-89

Agency Contact: Gene Paz, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, 202 633-4033

RIN: 1115–AB53

1429. ● COOPERATIVE AGREEMENT; QUALIFIED DESIGNATED ENTITIES (QDES) IN GOOD STANDING AUTHORIZED TO CONDUCT THE REGISTRATION OF PERSONS ABROAD SEEKING REPLENISHMENT AGRICULTURAL WORKER (RAW) STATUS

Legal Authority: Section 210A of the Immigration and Nationality Act, as amended

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: This is a notice to the general public of the existence of the cooperative agreement which deals with replenishment agricultural workers (RAWs).

Timetable:

Action	Date	FR Cite
Public Notice	10/00/89	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Additional Information: INS Number 1228-89

Agency Contact: E. B. Duarte, Jr., Director, Outreach Program, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 2108, Washington, DC 20536, 202 633-4123

RIN: 1115–AB54

1430. ● DEPORTATION OF ALIENS; WARRANTS OF DEPORTATION AND AUTHENTICATION OF FOREIGN RECORDS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1253; 8 USC 1254; 8 USC 1357; 8 USC 1362; 8 CFR 2

CFR Citation: 8 CFR 242.2; 8 CFR 243.2; 8 CFR 287.6; 8 CFR 299.1

Legal Deadline: None

Abstract: This regulation will make technical changes to the regulations dealing with warrants of deportation and with the authentication of foreign records. It will add forms to the list found in 8 CFR 299.1.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1223-89

Agency Contact: Ira L. Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7240, Washington, DC 20536, 202 633-3068

RIN: 1115–AB55

1431. ● PILOT STUDY OF A TELEPHONE VERIFICATION SYSTEM FOR EMPLOYERS TO VERIFY THE IMMIGRATION STATUS OF ALIEN EMPLOYEES

Legal Authority: Section 274A(d) of the Immigration and Nationality Act

CFR Citation: None

Legal Deadline: None

Abstract: The INS presently is seeking a redelegation to the Attorney General of the President's authority under section 274A(d) of the INA so that INS can be permitted to conduct demonstration projects to evaluate the effectiveness and security of the employment verification system required by 8 CFR 274a.2 pursuant to section 274A(b) of the INA, and be able to recommend or implement such changes as are necessary to establish a more secure system.

Timetable:

Action	Date	FR Cite
Notice	11/30/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: INS Number 1230-89

Agency Contact: Neville W. Cramer, Deputy Assistant Commissioner, Employer and Labor Relations/SAVE Program, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, 202 633-2317

RIN: 1115–AB57

1432. ● COMPUTER-MATCHING AGREEMENTS BETWEEN INS AND STATE AGENCIES USING INS'S SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS (SAVE) PROGRAM

Legal Authority: PL 99-603, sec 121; PL 100-503

CFR Citation: None

Legal Deadline: Other, Statutory. Notice must be published by 12/31/89.

Abstract: Agreements between INS and State agencies using an automated "computer-matching" process to access INS's SAVE data base to verify the immigration status of alien applicants for specified entitlement benefits pursuant to Section 121 of IRCA. The Computer Matching Act applies to certain computerized comparisons of information in a Federal agency's automated system of records with the automated records of another organization, and provides procedural requirements and safeguards for any information obtained through any type of information exchange which is defined as a "computer-matching" program under that law. A "matching agreement" between the organizations is also required. Six State agencies were determined to be using as of June 1, 1989 a type of automated access method in conducting SAVE-related verifications that subjects them to the provisions of the Computer Matching Act.

Timetable:

Action	Date	FR Cite
Notice	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Additional Information: INS Number 1229-89

Agency Contact: Neville W. Cramer, Deputy Assistant Commissioner, Employer and Labor Relations/SAVE Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Room 7025, Washington, DC 20536, 202 633-2317

RIN: 1115–AB58

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Immigration and Naturalization Service (INS)

1433. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

CFR Citation: 8 CFR 212.7(d)

Completed:

Reason	Date	FR Cite
Withdrawn at Agency level - no rule will be forthcoming	08/25/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harvey Adler 202 633-2725

RIN: 1115–AA19

1434. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; CREATION OF RECORDS OF LAWFUL ADMISSION OF PERMANENT RESIDENCE

CFR Citation: 8 CFR 245.1; 8 CFR 245.6; 8 CFR 245.7; 8 CFR 245.8; 8 CFR 245.9; 8 CFR 249.2; 8 CFR 103

Completed:

Reason	Date	FR Cite
Final Action	07/12/89	54 FR 29440
Final Action Effective	08/11/89	54 FR 29440

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joseph D. Cuddihy 202 633-3320

RIN: 1115–AA31

1435. BONDS

CFR Citation: 8 CFR 103

Completed:

Reason	Date	FR Cite
No further action is expected	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Wanda LaBay 202 376-2854

RIN: 1115–AA41

1436. TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM RECEIVING BENEFITS FROM FEDERAL PROGRAMS OF FINANCIAL ASSISTANCE

Significance: Agency Priority

CFR Citation: 8 CFR 245a

Completed:

Reason	Date	FR Cite
Final Action	07/12/89	54 FR 29434
Final Action Effective	07/12/89	54 FR 29434

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul W. Virtue 202 633-2656

RIN: 1115–AA55

1437. NONIMMIGRANT CLASSES, SPECIAL REQUIREMENTS

CFR Citation: 8 CFR 214.2(b)

Completed:

Reason	Date	FR Cite
Withdrawn by Agency - no future action anticipated at this time	08/25/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael L. Shaul 202 633-3946

RIN: 1115–AA65

1438. CERTIFICATE OF CITIZENSHIP

CFR Citation: 8 CFR 341

Completed:

Reason	Date	FR Cite
Final Action	04/22/87	52 FR 1329
Final Action Effective	11/06/86	52 FR 1329

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook 202 633-5014

RIN: 1115–AA67

1439. ESTABLISHMENT OF NATIONAL FINES OFFICE

CFR Citation: 8 CFR 280; 8 CFR 100; 8 CFR 103

Completed:

Reason	Date	FR Cite
Final Action	05/02/89	54 FR 18648
Final Action Effective	05/02/89	54 FR 18648

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dwight S. Faulkner 202 633-2680

RIN: 1115–AA73

1440. CHANGE OF NONIMMIGRANT CLASSIFICATION

CFR Citation: 8 CFR 248

Completed:

Reason	Date	FR Cite
Final Action	04/10/87	52 FR 11621
Final Action Effective	11/06/86	52 FR 11621

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Cook 202 633-5014

RIN: 1115–AA87

1441. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

CFR Citation: 8 CFR 245a

Completed:

Reason	Date	FR Cite
Final Action	02/13/89	54 FR 6504
Final Action Effective	02/13/89	54 FR 6504

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terrance M. O'Reilly 202 786-3658

RIN: 1115–AA97

1442. ALIEN COMMUTERS

CFR Citation: 8 CFR 211

Completed:

Reason	Date	FR Cite
Final Action	02/27/89	54 FR 8184
Final Action Effective	02/27/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

DOJ—INS

Completed Actions

Agency Contact: Aaron Bodin 202 633-5309

RIN: 1115–AB08

1443. DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS; CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

CFR Citation: 8 CFR 211; 8 CFR 216

Completed:

Reason	Date	FR Cite
Final Action	07/20/89	54 FR 30368
Final Action Effective	07/20/89	54 FR 30368

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael Shaul 202 633-3946

RIN: 1115–AB18

1444. NONIMMIGRANT CLASSES

CFR Citation: 8 CFR 214.2

Completed:

Reason	Date	FR Cite
Final Action	03/16/89	54 FR 10928
Final Action Effective	03/16/89	54 FR 10928

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Skerrett 202 633-3946

RIN: 1115–AB28

1445. SCHOOL APPROVAL AND WITHDRAWAL REGULATIONS

CFR Citation: 8 CFR 214

Completed:

Reason	Date	FR Cite
Final Action	05/08/89	54 FR 19543
Final Action Effective	06/07/89	54 FR 19543

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Pearl Chang 202 633-3946

RIN: 1115–AB32

1446. PUBLIC NOTICE LEGALIZATION: ENGLISH LANGUAGE/CITIZENSHIP STANDARD TEST

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action Notice of Program	01/31/89	54 FR 4920

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Terrance O'Reilly 202 786-3658

RIN: 1115–AB34

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1447. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
NPRM Comment Period End	12/15/89	
Final Action	03/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Analysis: Regulatory Impact Analysis

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW, Room 1268, Washington, DC 20531, 202 724-7792

RIN: 1105–AA05

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Final Rule Stage

1448. NOTIFICATION OF OBLIGATIONS OF AGENTS OF FOREIGN GOVERNMENTS UNDER 18 USC 951

Legal Authority: 18 USC 951; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 73

Legal Deadline: None

Abstract: The proposed regulations will provide guidance to agents of foreign governments who must notify the Attorney General of their agency status, and of the date, place, time, manner and content of the required notification. The regulations specify the custodian of these records in a manner calculated to assure timely notice to the Departments and Agencies most concerned.

Timetable:

Action	Date	FR Cite
NPRM	07/25/89	54 FR 30910
NPRM Comment Period End	08/24/89	54 FR 30910
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

DOJ—LA **Final Rule Stage**

Agency Contact: Joseph E. Clarkson, Chief, Registration Unit, Internal Security Section, Department of Justice, Legal Activities, 1400 New York Avenue, NW, Room 9300, Washington, DC 20530, **202 786-4923**

RIN: 1105–AA06

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1449. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3789(g), (c) and (d)

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, PL 98-473, and to clarify policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
NPRM Comment Period End	12/15/89	
Final Action	03/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Rm. 1254-C, Washington, DC 20531, **202 724-7795**

RIN: 1121–AA12

1450. CRIMINAL JUSTICE INFORMATION SYSTEMS

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, PL 98-473 and State and Local Law Enforcement Assistance Act of 1986, PL 99-570 Subtitle K, and to delete obsolete terminology.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/15/89	
NPRM	10/15/89	
Final Action	03/15/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Room 1254-C, Washington, DC 20531, **202 724-7795**

RIN: 1121–AA13

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1451. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10504(b); 42 USC 10604(e)

CFR Citation: 28 CFR 42.301

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
End Review	04/15/89	
Review Completed	08/14/89	
Final Action	10/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, **202 724-7681**

RIN: 1121–AA10

1452. NONDISCRIMINATION IN OJP FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 3789d(c); 42 USC 5674; 42 USC 10604(e); 42 USC 10504(b)

CFR Citation: 28 CFR 42.201

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Review Completed	08/14/89	
Final Action	10/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, **202 724-7681**

RIN: 1121–AA11

[FR Doc. 89-21724 Filed 10-27-89; 8:45 am]

BILLING CODE 4410-01-T

Federal Register

Monday
October 30, 1989

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's semiannual agenda of regulations, which has been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1989 and October 1990.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the Agency Contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining this publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the Unified Agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations, and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in April 1990.

Elizabeth Dole,

Secretary of Labor.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1453	Safety and Health Standards for Federal Supply Contracts (Walsh-Healey Standards)	1290-AA09

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1454	Methodology for Determining the Shortage Number Under Section 210A of the Immigration and Nationality Act, as Amended by the Immigration Reform and Control Act of 1986	1290-AA10

DOL

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1455	Production or Disclosure of Information or Materials	1290-AA08

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1456	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09
1457	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1458	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1459	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1460	Claims for Medical Benefits under the Federal Employees' Compensation Act, Part 10	1215-AA13
1461	Employment of Homeworkers in Certain Industries	1215-AA36

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1462	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33
1463	Labor Standards for Foreign Agricultural Workers	1215-AA43
1464	Employee Polygraph Protection Act of 1988	1215-AA49
1465	Compensation Payable Under the Federal Employees' Compensation Act, as Amended	1215-AA50
1466	Claims Subchapter A - Longshore and Harbor Workers' Compensation Act and Related Statutes and Subchapter B - Federal Coal Mine Health and Safety Act, as Amended	1215-AA51

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1467	Wage Payments Under the Fair Labor Standards Act of 1938	1215-AA32
1468	Employment of Workers with Disabilities Under Special Certificates	1215-AA34

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1469	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1470	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43

DOL

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1471	Airline Deregulation: Employee Benefit Program	1205-AA07
1472	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59
1473	Advances to States and Repayment of Advances; Interest on Advances	1205-AA65
1474	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
1475	State Agency Disclosure of Unemployment Insurance Wage and Claim Information as Provided by Federal Law	1205-AA74
1476	Title V of the Job Training Partnership Act Jobs for Employable Dependent Individuals Incentive (JEDI) Bonus Program	1205-AA75
1477	Labor Standards for the Registration of Apprenticeship Programs (Revision)	1205-AA77

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1478	Senior Community Service Employment Program	1205-AA29
1479	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1480	Job Training Partnership Act Audits	1205-AA53
1481	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1482	Administrative Procedure, Federal State Unemployment Compensation Program	1205-AA69
1483	Trade Adjustment Assistance for Workers (OTCA)	1205-AA72
1484	Job Opportunities and Basic Skills Training Program (JOBS)	1205-AA76

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1485	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Adverse Effect Wage Rate Methodology	1205-AA25
1486	Economic Dislocation and Worker Adjustment Assistance Program	1205-AA67
1487	Worker Adjustment and Retraining Notification (WARN) Act	1205-AA73

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1488	Individual Benefits Reporting and Recordkeeping for Multiemployer Plans	1210-AA02
1489	Individual Benefits Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1490	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1491	"Top Hat" Plans	1210-AA21
1492	Summary Annual Report	1210-AA36

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1493	Participant Directed Individual Account Plans	1210-AA08
1494	Adequate Consideration	1210-AA15
1495	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25
1496	Procedures for Filing and Processing Applications for Exemption from the Prohibited Transaction Provisions of ERISA, the Internal Revenue Code, and FERSA	1210-AA26

DOL

Pension and Welfare Benefits Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1497	Final Bonding Rules under FERSA	1210-AA31

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1498	Summary Annual Report	1210-AA00
1499	Loans to Participants	1210-AA09
1500	Civil Penalties Under FERSA	1210-AA32
1501	Civil Penalty for Failure or Refusal to File Annual Report	1210-AA34

Office of Labor Management Standards—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1502	Labor Organizations Which May File Simplified Annual Reports	1294-AA05

Office of Labor Management Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1503	Labor Organization Annual Financial Reports	1294-AA04

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1504	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
1505	Noise Standard	1219-AA53
1506	Confined Spaces	1219-AA54
1507	Approval Requirements for Detonators	1219-AA64

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1508	Underground Coal Mine Electrical Standards	1219-AA10
1509	Review of Metal and Nonmetal Electrical Standards	1219-AA14
1510	Explosives and Blasting in Underground Coal Mines	1219-AA16
1511	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33
1512	Hazard Communication	1219-AA47
1513	Air Quality Standards	1219-AA48
1514	Refuse Pile and Impoundment Inspection Records	1219-AA49
1515	Newly Employed Experienced Miner and Supervisor Training	1219-AA55

DOL

Mine Safety and Health Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1516	Safety Standards for Berms and Guardrails at Metal and Nonmetal Mines	1219-AA56
1517	Approval of Electric Cables and Splice Kits	1219-AA57
1518	Approval of Intrinsically Safe Battery-Powered Devices	1219-AA59
1519	Approval of Explosion-proof Enclosures	1219-AA60
1520	Approval of Electric Motor Assemblies	1219-AA61
1521	Roof Bolts and Roof Support Removal	1219-AA63
1522	Flame Test of Conveyor Belting and Hose	1219-AA65
1523	Blasting Units for Metal and Nonmetal Mines with Methane	1219-AA66
1524	Information Collection Requirements for Mine Rescue Equipment Test and Inspection; SCSR Inspection Records; Records of Fire Drills; and First Aid Training for Supervisory Employees	1219-AA67

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1525	Pattern of Violations	1219-AA04
1526	Underground Coal Mine Ventilation	1219-AA11
1527	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1528	Metal and Nonmetal Radiation Standards	1219-AA28
1529	Approval Criteria for Respiratory Protective Devices	1219-AA30
1530	Multiple-Shot Blasting Units	1219-AA42
1531	Rules of Practice for Petitions for Modification of Mandatory Safety Standards	1219-AA45
1532	Safety Standards for Roof, Face and Rib Support	1219-AA58

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1533	Certification and Qualification of Persons	1219-AA36
1534	Automatic Warning Devices for Mobile Equipment	1219-AA38
1535	Electric Mine Lamps Other Than Standard Cap Lamps	1219-AA40
1536	Mine Rescue Equipment Test and Inspection Records	1219-AA50
1537	SCSR Inspection Records	1219-AA51
1538	Safety Standards for Methane in Metal and Nonmetal Mines; Conforming Amendments	1219-AA52
1539	Records of Fire Drills and Programs to Instruct and Train Miners in the Locations and Use of Firefighting Equipment (Underground Coal Mines)	1219-AA62

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1540	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02

DOL

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1541	Administrative Grants and Cooperative Agreements to Government and Nonprofit Institutions	1291-AA15
1542	DOL Adoption of Common Rule Implementing Drug-Free Workplace - Nonprocurement	1291-AA17

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1543	Department of Labor Acquisition Regulation (DOLAR) (Revision)	1291-AA06

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1544	Manual Lifting (Parts 1910, 1915, 1917, 1918, 1919, 1926 and 1928)	1218-AA95
1545	Medical Surveillance Programs for Employees	1218-AB00
1546	Generic Standard for Exposure Monitoring	1218-AB01

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1547	Carcinogen Policy	1218-AA01
1548	Respiratory Protection	1218-AA05
1549	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1550	Methods of Compliance	1218-AA28
1551	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1552	Benzene Exposure in Barge/Tanker Cleaning and Repair	1218-AA47
1553	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1554	Confined Space (Part 1910)	1218-AA51
1555	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
1556	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1557	Steel Erection (Part 1926)	1218-AA65
1558	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1559	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1560	Formaldehyde	1218-AA82
1561	1,3-Butadiene	1218-AA83
1562	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates	1218-AA84
1563	Gear Certification (Part 1919)	1218-AA97
1564	Methylene Chloride	1218-AA98
1565	Walking and Working Surfaces (Part 1910)	1218-AB04
1566	Cadmium	1218-AB16
1567	Hazardous Materials (Part 1910)	1218-AB20
1568	Shipyard Employment: Phase II (Part 1915)	1218-AB22
1569	PEL Update Proposal for Construction, Maritime and Agriculture	1218-AB26
1570	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27
1571	Vehicle Safety	1218-AB28

DOL

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1572	Occupational Exposure to Toxic Substances in Laboratories	1218-AA00
1573	Ethylene Dibromide (EDB)	1218-AA06
1574	Concrete and Masonry Construction (Part 1926)	1218-AA20
1575	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1576	Excavations (Part 1926)	1218-AA36
1577	Fall Protection (Part 1926)	1218-AA37
1578	Scaffolds (Part 1926)	1218-AA40
1579	Logging Operations (Part 1910)	1218-AA52
1580	Stairways and Ladders (Part 1926)	1218-AA57
1581	4,4'-Methylenedianiline	1218-AA58
1582	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1583	Fall Protection in Shipyards (Part 1915)	1218-AA66
1584	Scaffolds in Shipyards (Part 1915)	1218-AA68
1585	Access and Egress in Shipyards (Part 1915)	1218-AA70
1586	Welding, Cutting and Heating in Shipyards (Part 1915)	1218-AA73
1587	Personal Protective Equipment in Shipyards (Part 1915)	1218-AA74
1588	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1589	Hazard Communication	1218-AB02
1590	Bloodborne Pathogens	1218-AB15

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1591	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1592	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1593	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1594	Lead (Reconsideration of the Feasibility of Compliance in Nine Industry Sectors)	1218-AB18

Office of the Assistant Secretary for Veteran's Employment & Training—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1595	Veterans' Programs and Services Administered by the Office of the Assistant Secretary for Veterans' Employment and Training	1293-AA03

Office of the Assistant Secretary for Veteran's Employment & Training—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1596	Establishment of New Chapter	1293-AA04

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Prerule Stage

1453. SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS (WALSH-HEALEY STANDARDS)

Legal Authority: 41 USC 35 et seq Walsh-Healey Act; 41 USC 351 et seq Service Contract Act; 29 USC 651 et seq Occupational Safety and Health Act; 30 USC 801 et seq Mine Safety and Health Act; 5 USC 553 Administrative Procedure Act; 20 USC 951 et seq

CFR Citation: 41 CFR 50 TO 204; 29 CFR 1910 to 1919; 29 CFR 1924; 29 CFR 1925; 30 CFR 1 to 199

Legal Deadline: None

Abstract: Part 50-204 of 41 CFR contains safety and health standards for Federal supply contracts under the Walsh-Healey Act. These standards, which also apply to Federal contracts for services under the Service Contract Act, were adopted in 1969, and were last revised in 1971. Many of the standards in Part 50-204 are duplicative of standards found in other Department of Labor regulations, primarily those issued under the Occupational Safety and Health Act (OSHA) in 29 CFR Parts 1910-1919, and the Mine Safety and Health Act (MSHA) in 30 CFR. In addition, other OSHA and MSHA standards have been revised and updated considerably since 1971, and these changes are not reflected in Part 50-204. Because employers covered by the Walsh-Healey and Service Contracts Acts are also covered by OSHA and MSHA, and thus are already required to comply with the OSHA and MSHA standards, as applicable, the Department of Labor is considering whether or not the Walsh-Healey standards should be revised by deleting redundant provisions and by substituting appropriate references (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to the corresponding OSHA and MSHA standards. This would clarify that the safety and health standards applied to employers under Federal supply and service contracts are the same standards which apply to them under OSHA and MSHA, and that revisions or updates of OSHA and MSHA standards also apply under the Walsh-Healey and Service Contract Acts.

Agency Contact: Cynthia Attwood, Associate Solicitor, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room 4004, FP Building, Washington, DC 20210, 202 523-7723

RIN: 1290–AA09

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

1454. ● METHODOLOGY FOR DETERMINING THE SHORTAGE NUMBER UNDER SECTION 210A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY THE IMMIGRATION REFORM AND CONTROL ACT OF 1986

Significance: Agency Priority

Legal Authority: 8 USC 1161

CFR Citation: 29 CFR 503

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: Section 210A of the Immigration and Nationality Act requires that the Secretaries of Agriculture and Labor determine the number (if any) of additional aliens who should be admitted to the U.S. or who should otherwise acquire the status of aliens lawfully admitted for temporary residence, to meet a shortage of workers to perform seasonal agricultural services. The "shortage number" so determined is the basis upon which the Immigration and Naturalization Service will admit such workers during fiscal years 1990 through 1993.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 32985
NPRM Comment Period End	09/08/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Reed, Director, Office of Program Economics, Office of the Assistant Secretary for Policy, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room S2114, FPBldg., Washington, DC 20210, 202 523-6007

RIN: 1290–AA10

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Completed Actions

1455. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Significance: Agency Priority

Legal Authority: 5 USC 552, as amended; EO 12600

CFR Citation: 29 CFR 70 (Revision)

Legal Deadline: Final, Statutory, April 27, 1987.

Abstract: The document proposes regulations to implement the Freedom of Information Reform Act of 1986, which requires agencies to promulgate regulations on a schedule of fees and on fee waivers, and Executive Order 12600, which requires predisclosure notification to submitters of confidential business information. The proposal also revises the existing DOL Freedom of

DOL—OS

Completed Actions

Information Act (FOIA) regulations, which currently include interpretive material on FOIA exemptions, to limit the scope principally to procedural matters.

Timetable:

Action	Date	FR Cite
NPRM	02/23/88	53 FR 5346
NPRM Comment Period End	07/18/88	53 FR 22680
Final Action	05/30/89	54 FR 23142
Final Action Effective	06/29/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N2428, Washington, DC 20210, 202 523-8201

RIN: 1290–AA08

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Employment Standards Administration (ESA)

1456. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of the regulations to ensure the safety and health of such minors and at the same time avoid unnecessary restrictions on their employment opportunities. The Department has established a Child (cont)

Timetable:

Action	Date	FR Cite
Notice published--decision to establish Child Labor Advisory Committee	07/21/87	52 FR 27476
Notice published--announcing meetings on October 19-20, 1988	09/27/88	53 FR 37660
Notice published announcing meeting on May 10-11, 1989	04/06/89	54 FR 13958
End Review	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations. The committee convened on March 9-10, 1988, at which time subcommittees were established to review Hazardous Order (HO) No. 2 (Motor Vehicle Operations), HO No. 10 (Slaughtering and Meat Packing), and Child Labor Regulation No. 3. Since that time, two additional subcommittees were established to review HO No. 11 (Bakery Machines) and HO No. 12 (Paper Products Machines). The full committee last met on May 11, 1989, to receive reports and make recommendations. A complete review of the Advisory Committee recommendations on these issues will be completed by November 1989.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA09

1457. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations.

DOL—ESA

Prerule Stage

An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal to suspend rule indefinitely	03/27/81	46 FR 18998
Comments due on suspension proposal	04/28/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/85. Regulatory action will be delayed to allow the Administration sufficient time to consider these issues.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8305

RIN: 1215–AA14

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Proposed Rule Stage

1458. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: NPRM, Statutory, October 1, 1983.
Rules implementing Section 481 of the 1982 JTPA (29 USC 1781). The operational aspects of such rules need to be coordinated with the pending revisions to the Executive Order 11246 program.

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012), as amended; and Section 503 of the Rehabilitation Act of 1973, as amended. An NPRM published 08/25/81 and supplemented on 04/23/82 extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. OFCCP's review of regulatory options continues, and includes consideration of proposed regulations to integrate the requirements of Section 481 of the Job Training Partnership Act of 1982 (29 U.S.C. 1781) with the Executive Order 11246 program.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & Suspend Eff Date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM	12/00/89	
Final Action	06/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Cari M. Dominguez, Director, Office of Federal Contract Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3325, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215–AA01

1459. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: This proposal would, among other things, incorporate 1978 and 1980 statutory amendments to definitions applicable to Section 503 of the Rehabilitation Act and to the Veterans' programs. However, since 1981 there have been additional amendments to the Rehabilitation Act and to the Vietnam Era Veterans' Readjustment Assistance Act affecting definitions applicable under the respective programs. All such statutorily required changes to the definitions would be incorporated into the proposed regulatory action contemplated under RIN - 1215-AA01.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
NPRM Second	12/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Cari M. Dominguez, Director, Office of Federal Contract, Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3325, FPBldg., Washington, DC 20210, 202 523-9475

RIN: 1215–AA02

1460. ● CLAIMS FOR MEDICAL BENEFITS UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, PART 10

Significance: Regulatory Program

DOL—ESA

Proposed Rule Stage

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.411

Legal Deadline: None

Abstract: The Office of Workers' Compensation Programs (OWCP) in 1986 implemented a fee schedule for charges made under the Federal Employees' Compensation Act (FECA) by physicians. The fee schedule specifically excluded hospitals, nursing homes and pharmacies from coverage. In the intervening years, it has been shown that some hospitals are performing many of the same services as those which, when performed by physicians are covered by the fee schedule. The result is that different amounts may be paid for exactly the same service. OWCP proposed to end this inequity by extending to hospitals the fee schedule for those services which are similar to those provided by physicians.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Director, Office of Federal, Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA13

1461. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department on 11/9/81, following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed rescission, the Department sought comments on various alternatives to such action (49 FR 11736). On 11/5/84, a final rules was published lifting the ban on homework for (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
NPRM Second	03/30/88	53 FR 10342
NPRM Second -- Comment Period End	05/13/88	53 FR 15063
Final Rule	11/10/88	53 FR 45706
ANPRM	12/30/88	53 FR 53344
ANPRM Comment Period End	05/05/89	54 FR 11008
NPRM Third	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: employers in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, and review of comments from a Notice of Proposed Rulemaking published on August 21, 1986 (51 FR 30036), a proposal was published on March 30, 1988 (53 FR 10342) which included enforcement mechanisms to enhance compliance among employers of homeworkers. The comment period was later extended to May 13, 1988 (53 FR 15063). The proposal also excluded the women's apparel industry and stated that this industry would be the subject of separate rulemaking. A final rule was published November 10, 1988 (53 FR 45706). An ANPRM concerning women's apparel homework was published December 30, 1988 (53 FR 53344). A notice of public hearings on this issue held in five cities during March 1989 was published on February 3, 1989. Notice of two additional hearings held in April 1989 was published on March 6, 1989. (54 FR 11008)

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA36

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Final Rule Stage

1462. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Significance: Agency Priority

Legal Authority: 41 USC 38; 41 USC 40

CFR Citation: 41 CFR 50-201.101(a)

Legal Deadline: None

Abstract: This proposed rule would amend the Walsh-Healey Public Contracts Act regulations to provide an alternative regular dealer definition applicable to information systems integration businesses which bid on contracts to furnish the government fully operational information processing ("ADP") systems. The alternative definition would relieve potential contractors in this industry from having to physically maintain inventories from which sales are made, a custom that is

inconsistent with this industry's practices. A proposed rule was published on June 22, 1989 inviting public review and comment. The comment period ended on July 24, 1989. (54 FR 2612)

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 2612
NPRM Comment Period End	07/24/89	54 FR 2612
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA33

1463. LABOR STANDARDS FOR FOREIGN AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration issued an interim final rule on June 1, 1987 (53 FR 20524). It will issue an amended final rule that incorporates the labor standards issued by the Employment and Training Administration and sets forth procedures for enforcement of these labor standards. (Note: Final action on these regulations has been delayed while the Department requires experience in enforcing the statutory requirements applicable to temporary foreign agricultural workers.)

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA43

1464. EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-347, Employee Polygraph Protection Act of 1988; 29 USC 2001 to 2009

CFR Citation: 29 CFR 801 (New)

Legal Deadline: Final, Statutory, September 25, 1988.

Abstract: The Employee Polygraph Protection Act of 1988 (EPPA) was enacted June 27, 1988 and takes effect December 27, 1988. EPPA prohibits most private employers from administering lie detector tests to employees or prospective employees but permits the use of polygraph tests, subject to certain safeguards, under specific circumstances. The Secretary of Labor is authorized to issue rules and regulations to implement EPPA and to enforce it, including authority to conduct investigations, assess civil money penalties for violations, and bring suit in U.S. District Courts to enjoin violations of the Act. An interim final rule was published October 21, 1988 (53 FR 41494), requesting comments by February 27, 1989. The interim final rule became effective on December 27, 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41494
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA49

1465. ● COMPENSATION PAYABLE UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

Legal Authority: 5 USC 8101, et seq.; PL 100-566

CFR Citation: 20 CFR 10

Legal Deadline: None

Abstract: Public Law 100-566 (approved October 31, 1988) amended section 8112 of the Federal Employees' Compensation Act (FECA) by removing the ceiling on the amount of disability compensation payable (75% of the maximum rate of basic pay for GS-15) for for employees who are injured during an assassination or assassination attempt against specified government officials, cabinet members and members of congress. The rule changes the regulation dealing with compensation rates to conform with the amendment.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Director, Office of Federal, Employees' Compensation, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3229, FP Building, Washington, DC 20210, 202 523-7552

RIN: 1215–AA50

1466. ● CLAIMS SUBCHAPTER A - LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES AND SUBCHAPTER B - FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED

Legal Authority: 33 USC 901; 30 USC 901

CFR Citation: 20 CFR 702; 20 CFR 725

DOL—ESA — Final Rule Stage

Legal Deadline: None

Abstract: The Department of Labor has changed the title of its district office heads in its Division of Longshore and Harborworkers' Compensation and Division of Coal Mine Workers' Compensation. They were previously known as Deputy Commissioners and are now called District Directors. This change is made for administrative uniformity among all office managers within the three Office of Workers' Compensation Programs divisions and will have no effect on the authority of the office heads in their capacity as managers or as informal adjudicators.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Staufenberger, Deputy Director, Office of Workers', Compensation Programs, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3524, FP Building, Washington, DC 20210, 202 523-7503

RIN: 1215–AA51

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Completed Actions

1467. WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Significance: Regulatory Program

Legal Authority: 29 USC 201 et seq

CFR Citation: 29 CFR 531

Legal Deadline: None

Abstract: These regulations contain the basic standards governing the application of section 3(m) of the Fair Labor Standards Act (FLSA). This section provides that, under certain conditions, the reasonable cost or fair value of furnishing employees with board, lodging, or other facilities may be applied towards meeting the Act's minimum wage and overtime requirements. Section 3(m) also provides that tips received by certain employees may be credited toward the payment of the statutory minimum wage (up to a maximum of 40 percent). Due to other regulatory priorities, this regulatory initiative is being withdrawn and will be considered at a future date.

Timetable:

Action	Date	FR Cite
Withdrawn	05/04/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3502, FP Building, Washington, DC 20210, 202 523-8305

RIN: 1215–AA32

1468. EMPLOYMENT OF WORKERS WITH DISABILITIES UNDER SPECIAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 524; 29 CFR 525; 29 CFR 529

Legal Deadline: None

Abstract: These regulations establish the terms and conditions, pursuant to section 14(c) of the Fair Labor Standards Act (FLSA), under which handicapped workers may be employed, under certificate, at wage rates less than those otherwise required by statute. The 1986 Amendments to the FLSA substantially revised section 14(c) to simplify worker certification by eliminating separate certification for more productive workers, multiple handicapped individuals, and those in evaluation or training and work activities centers. Three affected regulations (29 CFR 524, 525 and 529) were combined into a single proposed new rule which was published for public comments on May 20, 1988. The comment period closed on July 19, 1988. On October 31, 1988, a notice was published in the Federal Register (53 FR 43899) reopening the comment period for 15 days.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18234
NPRM Comment Period End	07/19/88	53 FR 18234
Comment Period Reopened	10/31/88	53 FR 43899
Final Action	08/10/89	54 FR 32920
Final Action Effective	09/11/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Paula V. Smith, Administator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, RM S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA34

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Prerule Stage

1469. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM will be published and subsequent rulemaking may result.

DOL—ETA

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA37

1470. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/90	
ANPRM Comment Period End	05/00/90	
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Sectors Affected: 94 Administration of Human Resource Programs

Agency Contact: David Henson, Chief, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C5317, FPBldg., Washington, DC 20210, **202 535-8762**

RIN: 1205–AA43

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Proposed Rule Stage

1471. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	04/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: monetary benefit aspects of the employee protection provisions.

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, **202 535-0309**

RIN: 1205–AA07

1472. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Other, Statutory, June 1, 1987.
IRCA required publication of interim final rule by June 1, 1987. This was accomplished.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16770
NPRM Comment Period End	05/19/87	52 FR 16770
Interim Final Rule	06/01/87	52 FR 20496
NPRM Second	11/00/89	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA59

1473. ADVANCES TO STATES AND REPAYMENT OF ADVANCES; INTEREST ON ADVANCES

Significance: Regulatory Program

Legal Authority: 42 USC 1321; 42 USC 1322

CFR Citation: 20 CFR 606

Legal Deadline: None

Abstract: Since 1981, Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment insurance and the repayment of such advances and interest thereon. Promulgation of comprehensive regulations is being undertaken in two phases. The proposed rule will replace instructions contained in several Unemployment Insurance Program Letters approved under OMB No. 1205-0199 expiring October 31, 1990. This action represents the second phase, governing States receiving and voluntarily repaying advances to their unemployment funds and paying interest in such advances. The final rule for the first phase, governing relief from automatic repayment and interest charges, was published in the Federal Register on September 26, 1988 (RIN 1205-AA14).

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sandra T. King, Chief, Division of Program Development, and Implementation, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C4514, FP Building, Washington, DC 20210, **202 535-0309**

RIN: 1205–AA65

1474. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to Section 212(a)(14) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(14)). The Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(14) of the INA (8 USC 1182(a)(14)). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification. Experience in (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
NPRM Comment Period End	05/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: administering the regulations to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations to make labor certification process more efficient and clarify ambiguities in the present regulations.

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4456, FPBldg., Washington, DC 20210, **202 535-0163**

RIN: 1205–AA66

1475. STATE AGENCY DISCLOSURE OF UNEMPLOYMENT INSURANCE WAGE AND CLAIM INFORMATION AS PROVIDED BY FEDERAL LAW

Significance: Regulatory Program

Legal Authority: 42 USC 503

CFR Citation: 20 CFR 603

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to make rules regarding the disclosure of unemployment insurance wage and claim information by State agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Virginia Chupp, Unemployment Insurance Program Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C4512, FPBldg., Washington, DC 20210, **202 535-0200**

RIN: 1205–AA74

1476. TITLE V OF THE JOB TRAINING PARTNERSHIP ACT JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE (JEDI) BONUS PROGRAM

Significance: Regulatory Program

DOL—ETA

Proposed Rule Stage

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 671

Legal Deadline: NPRM, Statutory, February 7, 1989. Final, Statutory, June 30, 1989.
The proposed regulations are to be published by February 7, 1989 and the final regulations in June 1989 as mandated by Section 510 (e) of Title V.

Abstract: These regulations will implement the above legislation as mandated by Section 510(e) of Title V as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA75

1477. ● LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS (REVISION)

Significance: Regulatory Program

Legal Authority: 29 USC 50 The National Apprenticeship Act; 40 USC 276; 5 USC 3301

CFR Citation: 29 CFR 29 (Revision)

Legal Deadline: None

Abstract: ETA has undertaken a review of the Apprenticeship system to determine the role of apprenticeship in meeting America's future needs for a skilled work force. The Apprenticeship 2000 review, through research, review of existing materials and related programs, is considering alternative ways to strengthen and expand apprenticeship and related training programs. Existing regulations governing apprenticeship programs may be revised to: 1) improve the existing programs ability to produce skilled workers to meet demands in the industries where it is now prevalent; and 2) expand the apprenticeship concept of training to fill the needs for skilled workers in additional industries.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James D. Van Erden, Director, Bureau of Apprenticeship and Training, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4649, FPBldg., Washington, DC 20210, 202 535-0540

RIN: 1205–AA77

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Final Rule Stage

1478. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 301 Older Americans Act of 1965

CFR Citation: 20 CFR 674

Legal Deadline: Final, Statutory, May 5, 1985.
PL 98-459, Section 205(c)

Abstract: The final regulations will include revisions to incorporate legislative amendments to the Older Americans Act which were made in 1984 and 1987. The revised rule also will incorporate administrative and programmatic adjustments which will make the program consistent with other Departmental rules and policies.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Wilbert F. Solomon, Chief, Division of Older Worker Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4641, FPBldg., Washington, DC 20210, 202 535-0521

RIN: 1205–AA29

1479. DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Regulatory Program

Legal Authority: PL 100-207

CFR Citation: 20 CFR 625 (Revision)

Legal Deadline: Final, Statutory, May 21, 1989.

Abstract: Public Law 100-107 made substantial changes in the DUA programs. DUA will now be paid for up to 26 weeks after a major disaster is declared instead of up to 52 weeks. DUA will no longer be payable when an individual is eligible for State unemployment compensation or waiting period credit. An individual will now have up to 60 days to file an appeal of denial of a DUA claim and a Federal official must make a decision in 90 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: In addition to updating the current regulations for law changes, the anticipated changes will provide for more efficient operation of the problem.

Agency Contact: Lorenzo C. Roberts, Supervisory Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution

Avenue, NW, Room C4514, FPBldg., Washington, DC 20210, **202 535-0309**

RIN: 1205–AA50

1480. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: None

Agency Contact: David O. Williams, Administrator, Office of Financial and Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, **202 535-0690**

RIN: 1205–AA53

1481. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19316
NPRM Comment Period End	06/05/89	54 FR 19316
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4508, FPBldg., Washington, DC 20210, **202 535-0550**

RIN: 1205–AA54

1482. ADMINISTRATIVE PROCEDURE, FEDERAL STATE UNEMPLOYMENT COMPENSATION PROGRAM

Significance: Agency Priority

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 601; 29 CFR 96; 29 CFR 97; 29 CFR 98

Legal Deadline: None

Abstract: This proposed rule would replace outdated administrative regulations for the unemployment insurance (UI) program grants to States with reference to more current common administrative requirements for State governments codified elsewhere by the Department of Labor (DOL). Because of certain unique needs of the UI program, this action would also cover UI program exceptions to these requirements and clarifications of Employment and Training Administration (ETA) policy in applying requirements to State grantees. As a result, the proposed rule is expected to aid States in understanding and complying with the requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The regulations proposed to be amended were last amended in 1977 and 1981, and since that time DOL has implemented changes in requirements for State governments which now need to be reflected in UI program regulations.

Agency Contact: Mary Ann Wyrsch, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4231, FPBldg., Washington, DC 20210, 202 523-7831

RIN: 1205–AA69

1483. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS (OTCA)

Significance: Regulatory Program

Legal Authority: PL 100-418, The Omnibus Trade and Competitiveness Act of 1988; Part 3 -- Trade Adjustment Assistance, of Subtitle D of Title I

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the workers most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and, making other changes.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48474
NPRM Comment Period End	12/30/88	53 FR 48474
Final Action	12/00/89	
Final Action Effective	01/00/90	

DOL—ETA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 6434, PHBldg., Washington, DC 20213, 202 376-2646

RIN: 1205–AA72

1484. JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM (JOBS)

Significance: Regulatory Program

Legal Authority: Family Support Act of 1988; PL 100-485

CFR Citation: 45 CFR 201 Subpart A

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.
The proposed regulations are to be published by April 13, 1989 and the final regulations in September 1989.

Abstract: The regulations will implement the above legislation enactment of the Family Support Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/19/89	54 FR 15902
NPRM Comment Period End	06/19/89	54 FR 15902
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA76

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Completed Actions

1485. LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES: ADVERSE EFFECT WAGE RATE METHODOLOGY

Significance: Regulatory Program

Legal Authority: 8 USC 1101 et seq

CFR Citation: 20 CFR 655

Legal Deadline: None

Abstract: As mandated by Immigration Reform and Control Act of 1986 (IRCA), DOL published a proposed rule on May 5, 1987 (52 FR 20496) and an interim final rule on June 1, 1987 (52 FR 16770), for administering the H-2A temporary alien agricultural labor certification program created by IRCA. Comments received on the proposed rule were considered by DOL in developing the interim final rule. An additional 60-day comment period led to additional comments. Subsequently, litigation relating to the wage provisions in the June 1 rule, particularly the methodology for establishing adverse effect wage rates (AEWRs) was filed against DOL. In December 1987 the U.S. Court of Appeals for the D.C. Circuit remanded the interim final rule to DOL for further explanation of the AEWR methodology. DOL is publishing a proposed rule explaining its intent to adopt the same methodology set forth in the June 1, 1987 rule, based upon an expanded record.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43722
NPRM Comment Period End	11/28/88	53 FR 43722
Final Action	07/05/89	54 FR 28037
Final Action Effective	08/04/89	54 FR 28037

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA25

1486. ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE PROGRAM

Significance: Agency Priority

Legal Authority: 29 USC 1501

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 631

Legal Deadline: None

Abstract: The Economic Dislocation and Worker Adjustment Assistance Act (EDWAA) was enacted on August 23, 1988 to amend the Job Training Partnership Act (JTPA) by substituting a completely new Title III. Title III of JTPA establishes programs of training and employment assistance for dislocated workers. The new program incorporates several important changes. Among these changes are: (1) institutionalizing a State rapid response capability, (2) changing delivery system to mandate the designation of substate grantees, (3) focusing on better resource utilization through reallotment and reallocation provisions, (4) greater emphasis on training by incorporating new features such as certificates of continuing eligibility and needs related payments while in training. In addition, greater emphasis will be placed upon coordination and linkages among major training and employment program components such as the public employment service, the UI and TAA programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/24/88	53 FR 41572
Final Action	09/22/89	54 FR 39118
Final Action Effective	10/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert N. Colombo, Director, Office of Employment Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution

DOL—ETA

Completed Actions

Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA67

1487. WORKER ADJUSTMENT AND RETRAINING NOTIFICATION (WARN) ACT

Significance: Regulatory Program

Legal Authority: 29 USC 2101

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On August 4, 1988, the Worker Adjustment and Retraining Notification (WARN) Act became law. These regulations will require certain employers to provide sixty days advance notice prior to mass layoffs or plant closings.

Timetable:

Action	Date	FR Cite
Interim Interpretative Rule	12/02/88	
NPRM	12/05/88	53 FR 49076
NPRM Comment Period End	02/03/89	53 FR 49076
Final Action	04/20/89	54 FR 16042
Final Action Effective	05/22/89	54 FR 16042

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FP Bldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA73

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Proposed Rule Stage

1488. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIEMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiemployer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/08/80	45 FR 52824
Notice of Public Hearing on Previous	11/12/80	45 FR 74727
NPRM	12/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-7461

RIN: 1210–AA02

1489. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiemployer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/01/80	45 FR 51231
Notice of Public Hearing on Previous	11/12/80	45 FR 74728
NPRM	12/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-7461

RIN: 1210–AA03

1490. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA19

DOL—PWBA

Proposed Rule Stage

1491. "TOP HAT" PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA21

1492. ● SUMMARY ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: 29 USC 1024

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rule would revise current requirements with respect to the Summary Annual Report (SAR) to eliminate unnecessary paperwork, improve the effectiveness of its contents, and include important information not currently required to be part of the SAR.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA36

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

1493. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33503
NPRM Comment Period End	11/02/87	
Final Action	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA08

1494. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Rm N4611, FP Building, Washington, DC 20210, 202 523-9590

RIN: 1210–AA15

1495. PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412 (a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

DOL—PWBA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31039
NPRM Comment Period End	05/18/88	53 FR 11886
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5669 FP Building, Washington, DC 20210, **202 523-7461**

RIN: 1210–AA25

1496. PROCEDURES FOR FILING AND PROCESSING APPLICATIONS FOR EXEMPTION FROM THE PROHIBITED TRANSACTION PROVISIONS OF ERISA, THE INTERNAL REVENUE CODE, AND FERSA

Significance: Regulatory Program

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: Final, Statutory, December 31, 1988.
FERSA only

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	06/28/88	53 FR 24422
NPRM Comment Period End	08/29/88	
Interim Final Rule	12/29/88	53 FR 52688
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Rm N4611, FP Building, Washington, DC 20210, **202 523-9590**

RIN: 1210–AA26

1497. FINAL BONDING RULES UNDER FERSA

Significance: Regulatory Program

Legal Authority: 5 USC 8478

CFR Citation: 29 CFR 2582

Legal Deadline: Final, Statutory, December 31, 1989.
Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 imposes a December 31, 1989 deadline for promulgating final bonding regulations under FERSA.

Abstract: FERSA Section 8478 requires the Secretary of Labor to promulgate regulations governing the bonding of fiduciaries and other persons who handle the funds or other property of the Thrift Savings Fund established under FERSA. The regulations set forth the required bonding procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/87	52 FR 35864
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, **202 523-7461**

RIN: 1210–AA31

DEPARTMENT OF LABOR (DOL)

Completed Actions

Pension and Welfare Benefits Administration (PWBA)

1498. SUMMARY ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: 29 USC 1024

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rule would revise current requirements with respect to the Summary Annual Report (SAR) to eliminate unnecessary paperwork, improve the effectiveness of its contents, and include important information not currently required to be part of the SAR.

Timetable:

Action	Date	FR Cite
RIN Changed to 1210-AA36	08/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, **202 523-7461**

RIN: 1210–AA00

1499. LOANS TO PARTICIPANTS

Significance: Regulatory Program

Legal Authority: 29 USC 1135; 29 USC 1108

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) of ERISA from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	01/22/88	53 FR 1798
NPRM Comment Period End	03/22/88	
Final Action (See Additional Information for Effective Date information)	07/20/89	54 FR 30520

Small Entities Affected: Undetermined

DOL—PWBA

Completed Actions

Government Levels Affected: Undetermined

Additional Information: EFFECTIVE DATE: The regulation will be effective for all participant loans granted or renewed after October 18, 1989, except that Section 2550.408b-1(d)(2), which relates to the specific plan provisions requirement of section 408(b)(1)(C) of the Act, is effective for participant loans granted or renewed on or after the last day of the first plan year beginning on or after January 1, 1989.

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA09

1500. CIVIL PENALTIES UNDER FERSA

Significance: Regulatory Program

Legal Authority: 5 USC 8477(e)(1)(B)

CFR Citation: 29 CFR 2589

Legal Deadline: None

Abstract: Section 8477(e)(1)(B) of the Federal Employees' Retirement System Act of 1986 (FERSA) authorizes the Secretary of Labor to assess civil penalties against parties in interest who engage in prohibited transactions with the Thrift Savings Fund (Fund) established under FERSA. The regulations will govern the procedures for imposing sanctions and enable the Department to penalize persons who violate the prohibited transaction rules with respect to assets of the Fund.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37486
NPRM Comment Period End	11/25/88	
Final Action	08/09/89	54 FR 32635
Final Action Effective	09/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby J. Hoover, Counsel for Regulations, Plan Benefits Security Division, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N4611, FP Building, Washington, DC 20210, 202 523-9590

RIN: 1210–AA32

1501. CIVIL PENALTY FOR FAILURE OR REFUSAL TO FILE ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: PL 100-203, Sec 9342(c)

CFR Citation: 29 CFR 2560; 29 CFR 2570

Legal Deadline: NPRM, Statutory, January 1, 1989.
Section 9342(d) of OBRA 1987 specifically directs the Secretary to issue not later than January 1, 1989, the regulations required to implement this provision.

Abstract: Section 502(c) of the Employee Retirement Income Security Act of 1974 (ERISA) was amended by Section 9342(c) of the Omnibus Budget Reconciliation Act of 1987 (OBRA 1987) to authorize the Secretary of Labor to assess a civil penalty of up to $1,000 a day from the date of a plan administrator's failure or refusal to file the complete annual report required to be filed with the Secretary under section 101(b)(4) of ERISA. This regulation would carry out the requirement of OBRA 1987 that the Secretary promulgate regulations implementing the new civil penalty provision relating to a plan administrator's failure or refusal to file a complete annual report.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40674
NPRM Comment Period End	11/17/88	
Final Action (See Additional Information for Effective Date information)	06/26/89	54 FR 26890

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EFFECTIVE DATE: The regulation is effective with respect to annual reports required to be filed for plan years beginning on or after January 1, 1988.

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA34

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Office of Labor Management Standards (OLMS)

1502. ● LABOR ORGANIZATIONS WHICH MAY FILE SIMPLIFIED ANNUAL REPORTS

Legal Authority: 29 USC 431; 29 USC 438

CFR Citation: 29 CFR 403.4(a)

Legal Deadline: None

Abstract: This proposed regulation would allow labor organizations with less than $200,000 total annual receipts o file the annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959, as amended on the simplified Form LM-3 rather than the more detailed Form LM-2. The present regulations provide that only labor organizations with less than $100,000 total annual receipts may file the Form LM-3.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations, and Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Room N5613, FP Building, Washington, DC 20210, 202 523-7373

RIN: 1294–AA05

DEPARTMENT OF LABOR (DOL)

Office of Labor Management Standards (OLMS)

Completed Actions

1503. LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

Legal Authority: 29 USC 431; 29 USC 438; 29 USC 461

CFR Citation: 29 CFR 403

Legal Deadline: None

Abstract: This proposed regulation would implement a new labor organization annual report form to replace Labor Organization Annual Report forms LM-2 and LM-3, which are incorporated in the Department's regulations at 29 CFR 403.3 and 403.4(a). It would also replace Form LM-1A, entitled "Report of Current Status: Labor Organization Information Supplement," which is incorporated in the regulations at 29 CFR 402.4(a).

Timetable:

Action	Date	FR Cite
Withdrawn	08/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Room N5613, FPBldg., Washington, DC 20210, 202 523-7373

RIN: 1294–AA04

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Prerule Stage

1504. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 7; 30 CFR 70; 30 CFR 75

Legal Deadline: None

Abstract: MSHA has an established mining equipment approval program which includes evaluation criteria and corresponding safety standards requiring the use and maintenance of approved equipment. However, existing approval regulations do not generally apply to the diesel-powered equipment now being used in coal mines. In July 1988 an Advisory Committee convened by the Secretary of Labor made recommendations to the Secretary concerning standards for the use of diesel-powered equipment in underground coal mines. Based on those recommendations, MSHA has published a proposed rule that addresses the approval of components of standards for its use. The Advisory Committee also recommended that an approval program be established for equipment safety features beyond the basic engine and power package. These features could include such components as the fuel system, exhaust gas dilution system, electrical system, braking system and fire suppression system. With the proposal, MSHA published an ANPRM requesting comment on what approach should be taken on the recommendations.

Timetable:

Action	Date	FR Cite
Establishment of Advisory Committee	10/06/87	52 FR 37381
Notice of Appointment of Committee Members and Notice of First Meeting	01/05/88	53 FR 00189
Committee Delivered Recommendations	07/27/88	
ANPRM	10/00/89	
NPRM	10/00/89	
Final Action	01/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA27

1505. ● NOISE STANDARD

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 76

Legal Deadline: None

Abstract: The problem of hearing impairment among miners has become of increasing concern to MSHA. Many miners are consistently exposed to noise levels that are near maximum levels currently permitted by MSHA. As a result, miners may be suffering hearing impairments, notwithstanding existing MSHA noise standards. MSHA intends to utilize one rulemaking to establish similar noise standards to apply to coal mining and metal/nonmetal mining.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA53

1506. ● CONFINED SPACES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 70; 30 CFR 71; 30 CFR 76

Legal Deadline: None

Abstract: This rulemaking would develop a performance-oriented standard to address the hazards of working in confined spaces. Many of these confined spaces work areas are not unique to mines and the hazards are identical to these confined space hazards that exist in general industry for which OSHA is preparing a proposed standard.

DOL—MSHA

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA54

1507. ● APPROVAL REQUIREMENTS FOR DETONATORS

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 16

Legal Deadline: None

Abstract: This standard would establish requirements for the MSHA testing, evaluation and approval of electric detonators for use in underground coal mines and certain metal and nonmetal gassy mines. At the present time there are no industry-wide standards to establish minimum performance requirements for detonators. Regulations governing the technical characteristics and performance of detonators would ensure compatibility for safe use with approved blasting units and approved explosives as required by underground coal mine standards. Some imported detonators that have entered the market during the past few years require an initiating current that exceeds the tested capacity of MSHA approved blasting units making them incompatible with approved blasting units. Other detonators tested by the Bureau of Mines showed reduced no-fire current levels which present a greater sensitivity to stray electrical current and could result in premature detonation.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA64

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

1508. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None

Abstract: Existing electrical standards for underground coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with specific standards applicable to underground coal mining operations. The Agency is in the process of developing a proposed rule that addresses the wide range of issues raised by commenters on the Agency's 1986 ANPRM. MSHA is analyzing: (1) accident and injury data to determine the cause and rate of accidents involving electricity and the need to revise standards to prevent future accidents; (2) variances granted to determine whether alternative methods of compliance could be included in the standards; (3) consensus standards in the National Electrical Code for applicability to underground coal mines; and (4) litigation cases related to the Agency's enforcement efforts to determine where clarified standards could improve compliance.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	10/00/89	
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA10

1509. REVIEW OF METAL AND NONMETAL ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None

Abstract: The electrical standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to metal and nonmetal mining and mills. These standards would also be substantially clarified, updated, and realigned into functional categories, and would include technological advances in electrical systems.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	10/00/89	
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard,

Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA14

1510. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None

Abstract: On November 18, 1988, the Mine Safety and Health Administration (MSHA) published a final rule (53 FR 46768) to revise its safety standards for explosives and blasting in underground coal mines. Prior to the effective date, MSHA stayed 30 CFR 75.1325(b) which restricts blasting to only one face in a working place to allow further review of single versus multiple face blasting. MSHA proposes to revise this and other provisions, as appropriate, allowing for further public comment.

Timetable:

Action	Date	FR Cite
Stay of Final Rule Provision	01/13/89	54 FR 1360
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA16

1511. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: NPRM, Statutory. This regulatory requirement is a Federal statutory provision. It implements Sections 103(d)(h) and (j) of the Mine Act.

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA established an intra-agency task force to review its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The Agency focused on several aspects of the reporting requirements including the definition of an occupational injury or illness, and an expanded audit program. The Agency has determined that the existing regulations in Part 50 should be clarified and improved through the rulemaking process. MSHA will clarify the definitions of reportable injuries and illnesses and solicit suggestions from the public in this effort.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/85	
Task Force Report Completed	03/03/86	
ANPRM	11/14/88	53 FR 45878
Extension of Comment Period until 02/17/89	12/29/88	53 FR 52727
ANPRM Comment Period End	01/13/89	
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA33

1512. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR Not yet determined

Legal Deadline: None

Abstract: The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemicals to which they are exposed and the action necessary to protect their safety and health. MSHA is reviewing OSHA's hazard communication standard and is also reviewing information collected by NIOSH. MSHA anticipates pursuing a performance- oriented approach that will allow employees the flexibility to develop individual programs to best suit their particular workplace conditions.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Hearings will be held most likely in April 1990.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA47

1513. AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: The agency has developed an NPRM which incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and coal mines. The proposal solicit comments on updating permissible exposure limits and methods of controlling such limits. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. The proposal would also update asbestos standards. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals; notification of workers of overexposures; access to exposure monitoring records; medical surveillance and transfer of miners required to use respirators and miners using certain carcinogens.

Timetable:

Action	Date	FR Cite
NPRM	08/29/89	54 FR 35760
NPRM Comment Period End	11/27/89	54 FR 35760
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This regulation combines 1219-AA21, 1219-AA41, and 1219-AA46.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA48

1514. REFUSE PILE AND IMPOUNDMENT INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.215

Legal Deadline: None

Abstract: This rulemaking would address whether recordkeeping burdens could be reduced in 30 CFR Part 77 standards which address refuse piles and impoundments structures. In addition the proposal would address abandonment procedures for impoundment structures.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA49

1515. ● NEWLY EMPLOYED EXPERIENCED MINER AND SUPERVISOR TRAINING

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 825

CFR Citation: 30 CFR 48.2(b); 30 CFR 48.22(b); 30 CFR 48.6(b); 30 CFR 48.26(b)

Legal Deadline: None

Abstract: MSHA is proposing to amend the definition of "experienced miner" to mean a miner who has had one year of mining experience and, for miners hired after October 13, 1978, has completed new miner training. MSHA is also proposing to strengthen the training requirements for experienced miners by adding course requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA55

1516. SAFETY STANDARDS FOR BERMS AND GUARDRAILS AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: On August 25, 1988 the Mine Safety and Health Administration (MSHA) amended its standard addressing the use of berms and guardrails on elevated roadways at metal and nonmetal mines. However, MSHA stayed the provision which allows an alternative to the use of berms or guardrails on elevated roadways for infrequently traveled roadways used by service or maintenance vehicles. This rulemaking will be limited to addressing which safety requirements are necessary for such limited use roadways when berms or guardrails are not used.

Timetable:

Action	Date	FR Cite
NPRM	08/23/89	54 FR 35152
NPRM Comment Period End	10/23/89	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA56

1517. APPROVAL OF ELECTRIC CABLES AND SPLICE KITS

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of electric cables and incorporate a new requirement for the approval of cable splice kits as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria, establish minimum standards for the material used to repair cables, and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA57

1518. APPROVAL OF INTRINSICALLY SAFE BATTERY-POWERED DEVICES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of intrinsically safe battery-powered

devices as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA59

1519. APPROVAL OF EXPLOSION-PROOF ENCLOSURES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of explosion-proof enclosures as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA60

1520. APPROVAL OF ELECTRIC MOTOR ASSEMBLIES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of electric motor assemblies as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA61

1521. ● ROOF BOLTS AND ROOF SUPPORT REMOVAL

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.204(a); 30 CFR 75.204(b); 30 CFR 75.213

Legal Deadline: Final, Statutory, February 15, 1990.

Abstract: On January 27, 1988, the Mine Safety and Health Administration published a final rule for safety standards for roof, face and rib support in underground mines. Three of the final standards were challenged by the United Mine Workers of America (UMWA), International Union, Petitioner, v. Secretary of Labor, et al, No. 88-1238 (D.C. Cir., March 10, 1989). On March 10, 1989, the U.S. Court of Appeals (D.C. Cir.) upheld one of the new standards and invalidated two, 30 CFR 75.204(a) and (b) and 30 CFR 75.213. On May 17, 1989, the Court issued an Order which, effective February 15, 1990, would vacate the two invalidated standards. These two remanded standards relate to roof bolts and roof support removal. MSHA had submitted that rulemaking with respect to these two standards could be completed in 9 months. MSHA is reopening rulemaking procedures on these standards.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	54 FR 36106
NPRM Comment Period End	10/06/89	
Final Action	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA63

1522. ● FLAME TEST OF CONVEYOR BELTING AND HOSE

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: Conveyor belts are the leading cause of fires in underground coal mines. These mines often use many miles of conveyor belts. The remote location of the belts can allow fires to start and spread to the coal before they are detected. Application of recent improvements in the flammability of belt material would make belts more difficult to burn, resulting in fewer belt fires. The Agency is developing higher flame-resistivity approval requirements and a less complicated approval test to allow manufacturer or third party testing of conveyor belts for use in underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd.,

DOL—MSHA

Proposed Rule Stage

Room 631, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA65

1523. ● BLASTING UNITS FOR METAL AND NONMETAL MINES WITH METHANE

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 57, Subpart T safety standards for methane in metal and nonmetal mines for explosive materials and blasting units by deleting the reference to 30 CFR Part 25 in Section 57.22606(g)(1). The standard would then reference blasting units approved by MSHA.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, Arlington, Virginia 22203, 703 235-1910

RIN: 1219–AA66

1524. ● INFORMATION COLLECTION REQUIREMENTS FOR MINE RESCUE EQUIPMENT TEST AND INSPECTION; SCSR INSPECTION RECORDS; RECORDS OF FIRE DRILLS; AND FIRST AID TRAINING FOR SUPERVISORY EMPLOYEES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 49; 30 CFR 75.1101 to 23; 30 CFR 75.1713-3; 30 CFR 75.1714-3; 30 CFR 77.1703

Legal Deadline: None

Abstract: These proposed rules would reduce the information collection burden imposed by the Mine Safety and Health Administration (MSHA) on mine operators or other affected parties by revising reporting and recordkeeping requirements. In most cases, paperwork requirements would be replaced with certification provisions. This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 49.6(b) which requires records of monthly inspections and tests of mine operators and equipment to be kept for one year; in 30 CFR 75.1714-3 which requires records of quarterly inspections and tests of self-contained self-rescue devices; in 30 CFR 75.1101-23(c)(1) which requires records of the participation of coal miners in quarterly fire drills and in 30 CFR 75.1713-3 and 77.1703 in which mine operators are required to conduct first-aid training courses for selected supervisory employees, and report in writing to the District Manager the names and job titles of all supervisory employees within 60 days, and the date on which such employees satisfactorily completed the first-aid training course.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA67

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Final Rule Stage

1525. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None

Abstract: This rulemaking would implement section 104(e) of the Federal Mine Safety and Health Act of 1977 which addresses mines with a pattern of repeated, significant and substantial violations. In 1985 MSHA issued an ANPRM which outlined new procedures for implementing the statutory provision for pattern of violations. The Agency reviewed comments and has been working to develop both appropriate criteria and a meaningful procedure for identifying operators who are potential pattern violators. The costs of the regulations would primarily bear upon individual mine operators receiving issuances notices. Any costs that the mine operator would incur to comply with other Federal standards would be attributed to those standards. The primary benefit of the pattern of violators provision would accrue to workers at mines where the mine operator has shown a disregard for their safety and health by allowing the same work hazards to repeatedly occur without addressing the underlying problems.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	05/30/89	54 FR 23156
Extension of Comment Period to 08/31/89	06/20/89	54 FR 117
NPRM Comment Period End	07/31/89	
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA04

1526. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None

Abstract: The Agency published a proposed rule concerning ventilation in underground mines which included provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues include ventilation of worked-out areas: timeframes for tests for methane; and using intake air that has been used to ventilate a belt conveyor entry. The existing escapeway standards contained in 30 CFR Part 75.1704 are incorporated into the proposal.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	01/27/88	53 FR 2382
NPRM Comment Period End	08/19/88	53 FR 26449
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings were held during June 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA11

1527. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None

Abstract: The explosives standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. These standards would be clarified and updated consistent with technological advances, such as gaseous initiation systems, miniaturized detonating cord systems and the use of bulk mixing of explosives materials. Hearings were held in April 1989.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	11/10/88	53 FR 45487
Extension of NPRM Comment Period to 02/10/89	12/05/88	53 FR 48934
NPRM Comment Period End	01/09/89	
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public Hearings were held in April 1989

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA17

1528. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

Legal Deadline: None

Abstract: MSHA is reviewing its radiation standards for underground metal and nonmetal mines and has identified certain issues with respect to regulatory action. The Agency published a proposal in December 1986 revising its existing ionizing radiation standards. Public hearings were held in August 1987. Extensive testimony was presented during the public hearings. The rulemaking also takes into account the receipt of the NIOSH criteria document in October 1987, and the release of the National Academy of Sciences BEIR IV Report in December 1987.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA28

1529. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which has not been accommodated by the existing regulations. In addition, questions have been raised about laboratory testing and field performance of respirators. The decision has been made for NIOSH to have the lead in approval of respirators. MSHA will be involved with the devices which are uniquely adapted or required for mining. A proposed rule to remove MSHA's regulations upon completion of a concurrent NIOSH rulemaking was published in August 1987. However, further rulemaking is contingent upon NIOSH's timetables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32313
Final Action	12/00/89	

Small Entities Affected: Businesses

DOL—MSHA

Final Rule Stage

Government Levels Affected: None

Additional Information: Completion of MSHA's final rule is contingent upon NIOSH's completion of parallel rulemaking.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, **703 235-1910**

RIN: 1219–AA30

1530. MULTIPLE-SHOT BLASTING UNITS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 25

Legal Deadline: None

Abstract: The requirements for approval of blasting units are part of the overall coal review to update standards. The revision of existing Part 25 specifications was proposed as Subpart D to Part 7. Under this concept, testing would be done by the applicant or a third party, subject to Agency requirements and approval.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	49 FR 23281
NPRM	06/22/88	53 FR 23506
NPRM Comment Period End	08/22/88	
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The review of 30 CFR 25 was originally listed in the Agenda in 1984. In the October 1985 Agenda, MSHA consolidated the Review of Part 25 under 1219-AA16. A proposal was published June 22, 1988 which revises 30 CFR 25 and combines it as a subpart of 30 CFR 7.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA42

1531. RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 44

Legal Deadline: None

Abstract: On July 10, 1987, the United States Court of Appeals for the District of Columbia invalidated the Agency's existing interim relief regulation based in part, on procedural defects, holding that it was contrary to Congressional intent. (INT. UNION v. MSHA, 823 F. 2d 608 (D.C. Cir. 1987)). Therefore, MSHA has issued a proposal addressing interim relief in situations where enforcement of a mandatory standard would result in a diminution of safety to affected miners or in emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19492
Extension of Comment Period Until 08/07/89	06/28/89	54 FR 123
NPRM Comment Period End	07/05/89	
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standard, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA45

1532. SAFETY STANDARDS FOR ROOF, FACE AND RIB SUPPORT

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.206(a)

Legal Deadline: None

Abstract: On January 27, 1988 (53 FR 2354), MSHA published final rules revising its safety standards for roof, face, and rib support in underground coal mines. The Agency is proposing to revise Section 75.206(a) of these standards to exempt anthracite mines from entry width and roadway support requirements when conventional roof support is used. The requirement would remain in effect, however, for bituminous coal mines.

Timetable:

Action	Date	FR Cite
NPRM	07/20/89	54 FR 30510
NPRM Comment Period End	09/18/89	
Final Action	03/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA58

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Completed Actions

1533. CERTIFICATION AND QUALIFICATION OF PERSONS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.100; 30 CFR 75.150; 30 CFR 77.100; 30 CFR 77.105

Legal Deadline: None

Abstract: Certain MSHA regulations require persons working in coal mines to be qualified or certified to perform certain tasks, for example, testing for methane and making ventilation examinations. The existing rule requires operators to submit certification and qualification applications to MSHA every six months for recertification. The proposal eliminates the six-month limitation, permitting persons to remain certified or qualified for as long as they continue to satisfy the substantive requirements and remain employed at the same coal mine or independent contractor.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12250
NPRM Comment Period End	07/15/88	
Final Action	07/20/89	54 FR 30513
Final Action Effective	09/18/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA36

1534. AUTOMATIC WARNING DEVICES FOR MOBILE EQUIPMENT

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.410

Legal Deadline: None

Abstract: MSHA's existing standard requires mobile equipment to be equipped with devices which automatically sound an alarm when the equipment is put in reverse. MSHA is considering revising the standard to exclude pickup trucks if the driver has an unobstructed rear view. The Agency is also considering allowing alternatives to automatic warning devices.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12253
NPRM Comment Period End	07/15/88	
Final Action	07/20/89	54 FR 30515
Final Action Effective	09/18/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A hearing was held in Pittsburgh, Pennsylvania on August 30, 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA38

1535. ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 20

Legal Deadline: None

Abstract: Under existing standards, MSHA is limited to investigating and approving lamps which meet the design, construction and test requirements specifically set forth in 30 CFR Part 20. As a result, the Agency is restricted from approving lamps that incorporate alternative technology. The proposal would amend Part 20 to enable the Agency to issue approvals for lamps which, after testing, are found to be safe for their intended use and provide, at a minimum, the same degree of protection as lamps currently approved under the existing standards.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12250
NPRM Comment Period End	07/15/88	
Final Action	07/20/89	54 FR 30512
Final Action Effective	09/18/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA40

1536. MINE RESCUE EQUIPMENT TEST AND INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 49

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 49.6(b) which requires records of monthly inspections and tests of mine rescue apparatus and equipment to be kept for one year.

Timetable:

Action	Date	FR Cite
Integrated into RIN 1219-AA67	08/25/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA50

1537. SCSR INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714-3

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 75.1714-3 which requires records of quarterly inspections and tests of self-contained self-rescue devices.

Timetable:

Action	Date	FR Cite
Integrated into RIN 1219-AA67	08/25/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA51

1538. SAFETY STANDARDS FOR METHANE IN METAL AND NONMETAL MINES; CONFORMING AMENDMENTS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: Existing standards address the use of brattice cloth and ventilation tubing in underground metal and nonmetal mines with a history of, or potential for, methane liberation. These conforming amendments would replace a requirement that such materials have a flame spread rating of 25 or less with a requirement that brattice cloth and ventilation tubing be approved by MSHA under 30 CFR Part 7.

DOL—MSHA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48934
NPRM Comment Period End	02/03/89	
Final Action	07/20/89	54 FR 30508
Final Action Effective	08/22/89	54 FR 30508

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA52

1539. RECORDS OF FIRE DRILLS AND PROGRAMS TO INSTRUCT AND TRAIN MINERS IN THE LOCATIONS AND USE OF FIREFIGHTING EQUIPMENT (UNDERGROUND COAL MINES)

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1101-23

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping could be reduced in 30 CFR 75.1101-23(c)(1) which requires records of the participation of coal miners in quarterly fire drills. Currently, the records must include the number of persons participating, the area of the mine involved, the procedures followed and the equipment used.

Timetable:

Action	Date	FR Cite
Integrated into RIN 1219-AA67	08/25/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA62

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1540. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 15 USC 3151; 20 USC 1681 to 1683; 20 USC 1685; 20 USC 1686; 29 USC 794; 29 USC 1551; 29 USC 1574; 29 USC 1577; 29 USC 1579; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4

CFR Citation: 29 CFR 31

Legal Deadline: Final, Statutory, September 12, 1979.
Regulations to implement the ADA were required as of 09/12/79 and to implement JTPA as of 10/01/83. The regulation must be coordinated with DOJ pursuant to Executive Order 12250, (cont)

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Sectors Affected: None

Additional Information: LEGAL DEADLINE CONT: with EEOC pursuant to E.O. 12067, and with the Office of Management and Budget pursuant to E.O. 12291, prior to publication as an NPRM.

Agency Contact: Annabelle T. Lockhart, Deputy Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, **202 523-8927**

RIN: 1291–AA02

DEPARTMENT OF LABOR (DOL)

Final Rule Stage

Office of the Assistant Secretary for Administration and Management (OASAM)

1541. ADMINISTRATIVE GRANTS AND COOPERATIVE AGREEMENTS TO GOVERNMENT AND NONPROFIT INSTITUTIONS

Significance: Agency Priority

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988 a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and Local governments. OMB and DHHS have prepared a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees with government grants. The common rule already published on governmental grantees will be amended to incorporate non-governmental grants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	

DOL—OASAM

Final Rule Stage

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, Rm S1522, FP Bldg., 202 523-8904

RIN: 1291–AA15

1542. DOL ADOPTION OF COMMON RULE IMPLEMENTING DRUG-FREE WORKPLACE - NONPROCUREMENT

Significance: Agency Priority

Legal Authority: EO 12549; Section 5151-5160 of the Drug-Free Work Place Act of 1988; PL 100-690 Title V, Subtitle D; 5 USC 552 to 556

CFR Citation: 29 CFR 98

Legal Deadline: Final, Statutory, April 30, 1989.
The President signed the Drug Act into law on November 18, 1988. The act requires final rules within 90 days and effective date within 120 days.

Abstract: This final action is the DOL adoption of common rules that implement the Drug-Free Work Place Act of 1988. The new regulations will be housed in the DOL regulations at 29 CFR Part 98, Suspension and Debarment - Nonprocurement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Interim Final Rule Effective	03/18/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Room S1522, FP Building, Washington, DC 20210, 202 523-9174

RIN: 1291–AA17

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

1543. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) (REVISION)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 29

Legal Deadline: None

Abstract: Revise Department of Labor Acquisition Regulation (DOLAR) to delete duplicative material and make other editorial changes.

Timetable:

Action	Date	FR Cite
Final Action	07/20/89	54 FR 30389
Final Action Effective	07/20/89	54 FR 30389

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, Rm S1522, FP Bldg., 202 523-9174

RIN: 1291–AA06

DEPARTMENT OF LABOR (DOL)

Prerule Stage

Occupational Safety and Health Administration (OSHA)

1544. MANUAL LIFTING (PARTS 1910, 1915, 1917, 1918, 1919, 1926 AND 1928)

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information on Manual Lifting-Related Injuries	10/02/86	51 FR 35241
Reopening of Comment Period and Expansion of Scope	04/17/87	52 FR 12559

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Additional Information: The Agency has determined that it will establish an interagency work group within the Department to seek more information in the area of manual lifting. Rulemaking is, therefore, not scheduled to begin immediately.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605,

DOL—OSHA

Prerule Stage

FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA95

1545. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b) of the Act requires where appropriate, provision for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37595) to acquire additional information. OSHA also intends to review its compliance experience with medical surveillance provisions and seek experienced medical opinion in the form of a symposium or other public discussion.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM Comment Period End	12/27/88	
Decision to Proceed With Rulemaking	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB00

1546. GENERIC STANDARD FOR EXPOSURE MONITORING

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On January 19, 1989, OSHA modified (54 FR 2332) the Z table permissible exposure limits of 29 CFR 1910.1000 (General Industry) in response to current scientific data. Section 6(b)(7) of the Act requires provisions for exposure monitoring for each substance undergoing 6(b) rulemaking. A generic standard for exposure monitoring would satisfy the monitoring requirement of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the Z tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37591). OSHA intends to review its compliance experience with exposure monitoring provisions to determine the appropriateness of generic exposure monitoring provisions.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM Comment Period End	12/27/88	
Decision to Proceed With Rulemaking	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB01

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1547. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, it is time for OSHA to review and modernize the carcinogen policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public

comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA01

1548. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA has reviewed the current standards and intends to propose revisions.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period onPreproposal Draft Ends	11/29/85	
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA05

1549. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 17, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (cont)

Timetable:

Action	Date	FR Cite
Notice of partial admin. stay	10/17/86	51 FR 37002
Extension of partial admin. stay	04/30/87	52 FR 15722
Extension of partial admin. stay	07/20/88	53 FR 27345
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite. The temporary stay will remain in effect until OSHA completes the evaluation of the comments and reaches a final decision.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA26

1550. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	06/05/89	54 FR 23991

Action	Date	FR Cite
NPRM Comment Period End	10/03/89	
Final Action	02/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA28

1551. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing. OSHA is reevaluating its proposed rule based on the public record and intends to reissue a proposed rule as the next action.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA34

1552. BENZENE EXPOSURE IN BARGE/TANKER CLEANING AND REPAIR

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-2); 29 CFR 1910.1028

Legal Deadline: None

Abstract: OSHA has amended its standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's determination that the amendments are needed to reduce the risk of leukemia and other adverse health effects associated with occupational exposure to benzene. OSHA published its final amendment to the standard on September 11, 1987. Due to technical problems associated with the completion of a detailed study of feasibility in barge and tanker cleaning and repair operations, however, OSHA exempted these operations from certain provisions of the standard. OSHA intends to issue a proposal to amend the benzene standard which will address the factors specific to the barge and tanker cleaning and repair industry.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice Changing Public Hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public Hearings	03/11/86	50 FR 50512
Final Action	09/11/87	52 FR 34460
Final Action Effective	12/10/87	
NPRM on Barge/Tanker Cleaning and Repair Operations	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA47

1553. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart I)

Legal Deadline: None

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA48

1554. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/05/89	54 FR 24080
NPRM Comment Period End	10/04/89	54 FR 30557
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA51

1555. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshore and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards of cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	06/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA56

1556. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 26 Paper and Allied Products

Additional Information: The Agency has determined that no further action be taken due to a priority reassignment of resources leading to the completion of a generic standard having a direct affect on the pulp, paper and paperboard mills standard.

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA61

1557. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None

Abstract: This action will consolidate, clarify, and revise the existing provisions governing steel erection assembly, flooring, holting, riveting, fitting-up, plumbing-up, and fall protection. When completed, the revised fall protection requirements may be relocated and be incorporated into Subpart M (of Part 1926) which is the general fall protection standard.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA65

1558. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33832
NPRM Comment Period End	10/16/89	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA71

1559. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	03/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA72

1560. FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq.

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: The present occupational health standard for formaldehyde was published on December 4, 1987 (52 FR 46168). In this standard, the Occupational Safety and Health Administration (OSHA) required hazard warning labels to be placed on containers of all products composed of greater than 0.1 percent formaldehyde or capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm. Material safety data sheets, prepared in accordance with paragraph (g) of the Hazard Communication Standard (29 CFR 1910.1200), were also required. On December 2, 1987, the Formaldehyde Institute filed an Application for Administrative Stay of the Formaldehyde Standard's cancer labeling requirement. On November 8, 1988, OSHA requested comments on whether to grant a petition for administrative stay of these provisions and whether to institute additional rulemaking. Based primarily on the comments received, OSHA stayed the provision at 29 CFR 1910.1048 (m)(l)(i) through (m)(4)(ii) for a period of (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: nine months, commencing December 13, 1988 (53 FR 50198). OSHA plans to propose to revoke the stayed provisions and will request alternative methods for defining a de minimis exemption for products that release trace amounts of formaldehyde. Based on public comment and the rulemaking record, OSHA will promulgate revised hazard communication provisions for formaldehyde.

Agency Contact: Charles E. Adkins, Director, Health Standards Program, Occupational Safety and Health Admin., Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AA82

1561. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-1)

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA83

1562. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section

9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA will use the information received in response to the ANPRM, as well as other information and analysis, to prepare a proposed standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA84

1563. GEAR CERTIFICATION (PART 1919)

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None

Abstract: In its May 7, 1987, Federal Register notice the Agency requested information to assist in the possible revision of 29 CFR Part 1919. Part 1919, entitled "Gear Certification," implements requirements located in each of OSHA's maritime standards which cover work carried out within the Federal maritime jurisdiction. Changes in the design and composition of cargo handling gear which have evolved since these rules were last amended (1969) provided questions as to the efficacy of the current rules. Additionally, the Agency sought comments that would suggest ways in which the administrative function of the accreditation program could be improved. Comment period ended: August 5, 1987.

Timetable:

Action	Date	FR Cite
Request for Information	05/07/87	52 FR 17302
Comment Period Closed	08/05/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 37 Transportation Equipment; 44 Water Transportation

Additional Information: The Agency has determined, based on input to its "Request for Comments and Information," that minor revision to Gear Certification (Part 1919) is necessary.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA97

1564. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. OSHA published an Advance Notice of Proposed Rulemaking on November 24, 1986 (51 FR 42257).

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA98

1565. WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 1218-AB04 will be issued concurrently with 1218-AA48.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB04

1566. CADMIUM

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910, (Table Z-2)

Legal Deadline: None

Abstract: On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HRG filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. On September 26, 1988, OSHA published guidelines for controlling exposure to cadmium and recommended reduced exposure levels significantly below the permissible exposure limit.

Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB16

1567. HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart H)

Legal Deadline: None

Abstract: Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in three phases in an expanded timeframe. The three phases will be (1) Process Hazards Management, (2) Flammable and Compressed Gases, and, (3) Hazardous Liquids. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities of dangerous substances. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 38108
NPRM	01/00/90	
Final Action	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This action merges two previous actions, "Hazardous Materials-- Flammable and Compressed Gases (Part 1910)" and "Hazardous Materials--Flammable and Combustible Liquids (Part 1910)" and will also include storage and handling of toxic materials.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB20

1568. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq.; 29 CFR 1915.31 et seq.; 29 CFR 1915.91 et seq.; 29 CFR 1915.111 et seq.; 29 CFR 1915.131 et seq.; 29 CFR 1915.161 et seq.; 29 CFR 1915.171 et seq.; 29 CFR 1915.181; 29 CFR 1910.13; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision will involve the promulgation of 16 maritime subparts and their 1910 counterparts. Its completion will relieve shipyard owners from the burden of having to comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. OSHA has established an Advisory Committee to assist the agency in reviewing and revising these subparts. Experts from government, industry, unions and the states will be asked to work with OSHA on this project. A previously identified project, Surface Preparation and Preservation (RIN: 1218-AA96), will be included in this project.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	07/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB22

DOL—OSHA

Proposed Rule Stage

1569. ● PEL UPDATE PROPOSAL FOR CONSTRUCTION, MARITIME AND AGRICULTURE

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: 29 CFR Not Yet Determined

Legal Deadline: None

Abstract: The permissible exposure limits (PELS) promulgated by OSHA in 1971 do not reflect current knowledge of the health effects of many toxic substances. OSHA published a proposal on June 7, 1988 (53 FR 20960) to amend and expand the PELs for general industry. On January 19, 1989 OSHA set new PELs for the toxic substances originally covered in 1971 and covered new substances in a single rulemaking that applied to general industry. OSHA now plans to update the old PELs for construction, maritime, and agricultural sectors not covered by the general industry proceeding. The PELs for these sectors are outdated: the construction industry (29 CFR 1926) references the 1970 ACGIH TLVs; the maritime industry cites three different references--29 CFR 1918 (longshoring), "dangerous gaseous contaminants not immediately dangerous to life" and "heavy concentrations of dusts." In addition, in the agricultural section, OSHA will consider chemicals and pesticides that are currently regulated by EPA. As a result of this rulemaking, OSHA expects that a unified table of PELs for toxic substances will be adopted for all industries.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AB26

1570. ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.121, (Subpart H)

Legal Deadline: None

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. The final standard was issued on March 6, 1989. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBuilding, Washington, DC 20210, 202 523-8061

RIN: 1218–AB27

1571. ● VEHICLE SAFETY

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.140; 29 CFR 1915.99; 29 CFR 1917.44; 29 CFR 1918.73; 29 CFR 1926.601; 29 CFR 1926.602; 29 CFR 1928.58

Legal Deadline: None

Abstract: OSHA currently has no general regulation requiring that employers train their employees in the safe operation of motor vehicles on the job, including the required use of seat belts, although motor vehicle crashes are the single largest cause of occupational fatalities. On-the-job motor vehicle crashes, in both on-road and off-road vehicles, caused over 30 percent of traumatic work-related fatalities in 1987. In the manufacturing sector, which is the primary target of most OSHA regulations, more workers are killed by motor vehicles than by fixed machinery. The hazards faced by workers operating automobiles and trucks, both on public highways and at private facilities, could be greatly reduced by requiring employers to train their employees in safe driving techniques, including the required use of seat belts. OSHA plans to proceed with a single NPRM that would regulate all employers covered by the OSH Act. The approach will be to develop a generic, performance-oriented standard. Various state regulations (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: governing the use of seat belts, and related studies will be considered in this proposal. OSHA expects that the regulation could prevent as many as 630 fatalities each year.

Agency Contact: Barry J. White Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FP Building, Washington, DC 20210, 202 523-8061

RIN: 1218–AB28

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

1572. OCCUPATIONAL EXPOSURE TO TOXIC SUBSTANCES IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public Hearings	03/24/87	52 FR 1212
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA00

1573. ETHYLENE DIBROMIDE (EDB)

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public Hearing Held	02/08/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA06

1574. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702; 29 CFR 1926.703; 29 CFR 1926.704; 29 CFR 1926.705; 29 CFR 1926.706

Legal Deadline: None

Abstract: A final rule for concrete and masonry construction was published in the Federal Register on June 16, 1988. However, the record was reopened to allow information and evidence obtained from the investigation of a recent major accident to be included in the record pertaining to lift-slab operations. Revised lift-slab rules were then proposed (September 15, 1988).

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/08/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action (Except Lift-Slab)	06/16/88	53 FR 22612
Final Action Effective Date (Except Lift-Slab)	08/15/88	53 FR 22612
NPRM -- Reproposal of Lift-Slab Rules	09/15/88	53 FR 35972
NPRM Public Comment Period End -- Reproposal of Lift-Slab Rules	11/14/88	
Final Action on Lift-Slab Rules	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA20

1575. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program.

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331; 29 CFR 1910.332; 29 CFR 1910.333; 29 CFR 1910.334; 29 CFR 1910.335; 29 CFR 1910.399; 29 CFR 1910.26(c)(3)(iii); 29 CFR 1910.67(b)(4); 29 CFR 1910.68(b)(4); 29 CFR 1910.68(c)(5)(iv)(c); 29 CFR 1910.94(a)(2)(iii); 29 CFR

DOL—OSHA

Final Rule Stage

1910.103(b)(3)(iii)(e); 29 CFR 1910.106(h)(7)(iii)(a); 29 CFR 1910.110, (Table H-28); 29 CFR 1910.178(c)(2); ...

Legal Deadline: None

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety-related related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45530
NPRM Comment Period End	02/29/88	52 FR 45530
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA32

1576. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None

Abstract: This rule prescribes the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule was proposed because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the existing standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12288
NPRM Comment Period End	10/14/87	52 FR 22799
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA36

1577. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.651(w)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA37

1578. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA40

1579. LOGGING OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/02/89	54 FR 18798
NPRM Comment Period End	07/31/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA52

1580. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.) This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA57

1581. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA evaluated the data received in response to the advance notice and concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	05/12/89	54 FR 20672
NPRM Comment Period End	05/16/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and published a proposed standard for MDA. OSHA published the Committee's recommendations on July 16, 1987, and published a proposed standard for MDA on May 12, 1989.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AA58

1582. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

DOL—OSHA **Final Rule Stage**

CFR Citation: 29 CFR 1910.137; 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for qualified employees working on or near installations whose purpose is the generation and distribution of electricity.The proposal also revises the standards for electrical protective equipment, which is used routine for electrical power work.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4974
NPRM Comment Period End	06/01/89	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA59

1583. FALL PROTECTION IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48166
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.21-1910.23.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA66

1584. SCAFFOLDS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA68

1585. ACCESS AND EGRESS IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.24-1910.27; 29 CFR 1910.36-1910.37.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA70

1586. WELDING, CUTTING AND HEATING IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating.

The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48111
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.251-1910.252.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA73

1587. PERSONAL PROTECTIVE EQUIPMENT IN SHIPYARDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.132-1910.137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA74

1588. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48092
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 373 Ship and Boat Building and Repairing

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8063

RIN: 1218–AA91

1589. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA promulgated a final rule on August 24, 1987, that extended the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. On August 8, 1988, OSHA published a NPRM to modify the final rule, and provide an opportunity for public comment. Public comments have been received, hearings have been held, and OSHA will prepare a final rule based on the public record for this standard, including the record developed in earlier rulemakings.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	
NPRM	08/08/88	53 FR 29822
NPRM Comment Period End	10/24/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB02

1590. BLOODBORNE PATHOGENS

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: Many health-care workers are exposed to blood and body fluids

DOL—OSHA **Final Rule Stage**

from patients who have active bloodborne infections or are carriers of these infections. Such exposure presents a potential risk of disease for the health-care worker. One such disease, Hepatitis B, has been shown to present a substantially increased risk for health-care workers. Hepatitis B is a serious disease that may require hospitalization and, in a small percentage of cases, is fatal. Another bloodborne disease, Acquired Immune Deficiency Syndrome (AIDS) is also of great concern to health- care workers. Only a very small number of infections, however, have been documented to have resulted from occupational exposure to the virus that causes AIDS. About half of the nation's 6 million health-care workers are at increased risk from exposure to bloodborne infectious diseases. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/27/87	52 FR 45438
ANPRM Comment Period End	01/26/88	52 FR 45438
NPRM	05/30/89	54 FR 23042
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Some examples of health-care workers at highest risk are emergency room workers, dialysis unit workers, operating room personnel, intensive care unit workers, and blood bank employees. The Occupational Safety and Health Administration (OSHA) has no standard specifically regulating occupational exposure to bloodborne infectious diseases. In 1983, the Agency issued guidelines for reducing the occupational risk of Hepatitis B infection (OSHA Instruction CPL 2-2.36). These guidelines are voluntary, however. In September 1986, OSHA was petitioned by the American Federation of State, County and Municipal Employees and other unions for the issuance of an emergency temporary standard to protect workers from occupational exposure to bloodborne infectious diseases, such as hepatitis B and AIDS. On May 30, 1989, OSHA published its proposal in the Federal Register (54 FR 23042). Public comment on the proposed standard will assist OSHA in determining the appropriate scope and provisions of the final rule.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, Dc 20210, **209 523-7075**

RIN: 1218–AB15

DEPARTMENT OF LABOR (DOL)

Completed Actions

Occupational Safety and Health Administration (OSHA)

1591. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The proposal provides flexibility in compliance through performance-oriented provisions as alternatives to positive engagement. It would also expand the scope of the current standard to include requirements covering additional suspension equipment, fall protection, and employee training.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/66	
Final Action	07/28/89	54 FR 31408
Final Action Effective	01/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA33

1592. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None

Abstract: The existing standards were revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standards were too restrictive. In addition, existing language was rewritten to clarify the requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to 02/17/84	12/19/83	48 FR 56087
Public Hearing Held	03/13/84	

Action	Date	FR Cite
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	06/02/89	54 FR 23824
Final Action Effective	08/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA38

1593. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147, (New)

Legal Deadline: None

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy could cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	
NPRM	04/29/88	53 FR 15496
NPRM Comment Period End	06/28/88	53 FR 15496
Final Action	09/01/89	54 FR 36644
Final Action Effective	10/31/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This final standard shall become effective October 31, 1989, except for paragraphs (c)(4), (c)(7), and (f)(2), of sections 1910.147 which contain information requirements currently under review at OMB. A document announcing the effective date of the recordkeeping portions will be published at a later date in the Federal Register.

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA53

1594. LEAD (RECONSIDERATION OF THE FEASIBILITY OF COMPLIANCE IN NINE INDUSTRY SECTORS)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1025

Legal Deadline: Final, Judicial, June 28, 1989.

Abstract: On December 11, 1981 (46 FR 60758), OSHA published a Revised Statement of Reasons concerning the feasibility of compliance with paragraph (e)(1) of the standard for occupational exposure to lead, which had been promulgated in 1978. In this revised statement, OSHA stated that it could not reach a conclusion regarding feasibility, on the basis of the existing rulemaking record, for eight specific industry sectors: lead chromate pigments, lead chemicals, nonferrous foundries, brass and bronze ingot production, secondary copper smelting leaded steel, shipbuilding and ship repair, stevedoring, and battery breaking separate from secondary smelting, and that in addition, it wished to reexamine the applicability of the lead standard to the stevedoring industry. OSHA requested that the record (which was under review by the U.S. Court of Appeals for the District of Columbia Circuit) be remanded for supplementary administrative proceedings. The Court granted OSHA's December 1981 request on March 31, 1987, and remanded the record to OSHA for further administrative proceedings to determine the feasibility of section (e)(1) for the nine industry sectors OSHA had (cont)

Timetable:

Action	Date	FR Cite
Reopening of Lead Rulemaking Records	08/03/87	52 FR 28727
End of Comment Period	09/16/87	
Public Hearings	09/29/87	
Final Action	07/11/89	54 FR 29142
Final Action Effective	08/10/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: listed. The Court further ordered OSHA to return the record on or before October 1, 1987. On June 17, 1987, OSHA filed with the Court a motion requesting a 90-day extension to January 1, 1988. On July 31, 1987 the Court granted OSHA's motion. OSHA published in the Federal Register on August 3, 1987, a notice of a limited reopening of the rulemaking record (limited to the issue of feasibility) and specified September 2, 1987 for the receipt of comments from the public and September 15, 1987 for public hearings. Thereafter, at the request of industry and labor, OSHA deferred the relevant dates for the rulemaking until September 16 and 29, 1987, respectively.OSHA requested, and was granted by the Court, an extension for final action until July 15, 1988.Because of the complexity of the issues, OSHA petitioned the court on July 15 for an extension of time for the return of the record until the end of November 1988. OSHA published a final standard on July 11, 1989.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718,

DOL—OSHA

Completed Actions

FPBldg. Washington, DC 20210, 202 523-7075

RIN: 1218–AB18

DEPARTMENT OF LABOR (DOL)

Proposed Rule Stage

Office of the Assistant Secretary for Veteran's Employment & Training (ASVET)

1595. VETERANS' PROGRAMS AND SERVICES ADMINISTERED BY THE OFFICE OF THE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING

Significance: Regulatory Program

Legal Authority: 38 USC Chapter 41; PL 100-323

CFR Citation: 20 CFR Chapter IX

Legal Deadline: None

Abstract: To revise new Chapter IX of Title 20, CFR, titled Office of the Assistant Secretary for Veterans' Employment and Training, to fully describe the authority and responsibilities for provision of services to veterans through administration of programs and activities carried out through the Veterans' Employment and Training Service (VETS). Revisions are to bring regulations into conformity with 38 U.S.C. Chapter 41,42, and 43, ás amended by P.L. 100-323. Previous rulemaking will establish the new 20 CFR Chapter IX, Parts 1000-1099, which are hereby revised. According to PL 100-323, several major provisions must be added to the regulations as follows: a) expand responsibilities of Assistant Secretary for Veterans' Employment and Training; (b) establish position of Regional Administrator for Veterans' Employment and Training; (c) expand duties of Disabled Veterans' Outreach Program Specialists; (d) establish assignment formula and duties for local Veterans; employment Representatives; (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: (e) expand list of data items to be collected and reported to Congress annually; (f) establish permanent National Veterans' Training Institute; (g) expand membership of Secretary's Committee on Veterans' Employment; (h) set requirements for greater coordination with JTPA and OPM. Requires solution since statute requires Department of Labor to monitor and/or administer affected programs.

Agency Contact: Carlon J. Johnson, Chief, Office of Regulations and Special, Programs, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, 200 Constitution Avenue, NW, Room S1316, FP Building, Washington, DC 20210, 202 523-9110

RIN: 1293–AA03

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Veteran's Employment & Training (ASVET)

1596. ● ESTABLISHMENT OF NEW CHAPTER

Legal Authority: 38 USC Chapter 41; PL 100-323

CFR Citation: 20 CFR 652B; 20 CFR 635; 20 CFR 1000 to 1099 (NEW); 20 CFR 1001 (NEW); 20 CFR 1005 (NEW)

Legal Deadline: None

Abstract: To revise Title 20 CFR by establishing a new Chapter IX, Parts 1000-1099 for the Assistant Secretary for Veterans' Employment and Training and to redesignate 20 CFR Part 652, Subpart B as 20 CFR 1001 and to redesignate 20 CFR Part 635 as 20 CFR Part 1005.

Timetable:

Action	Date	FR Cite
Final Action	09/26/89	54 FR 39352
Final Action Effective	10/26/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carlon J. Johnson, Chief, Office of Regulations and, Special Programs, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, 200 Constitution Avenue, NW, Room S1316 FP Building, Washington, DC 20210, 202 523-8611

RIN: 1293–AA04

[FR Doc. 89-22482 Filed 10-27-89; 8:45 am]

BILLING CODE 4510-23-T

Federal Register

Monday
October 30, 1989

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Public Notice 1133]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the October 1989 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of OMB Bulletin 89-12, dated July 5, 1989. The purpose of the agenda is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street NW., Washington, DC 20520; telephone (202) 647-2350.

Dated: September 13, 1989.

Ivan Selin,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE) — Prerule Stage

1597. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harry Porter, Acting Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, **202 647-3416**

RIN: 1400–AA07

1598. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: See Additional Information.

CFR Citation: 22 CFR 92.81(b)(3)

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention, there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986 with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: U.S. ratification of 1973 Convention providing a uniform law on the form of an international will would provide the basis for establishing the Registry.

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, **202 647-3666**

RIN: 1400–AA09

1599. FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33, (Revision)

Legal Deadline: None

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stetson Tinkham, Program Administrator, Department of State, Office of Fisheries Affairs, OES/OFA, Room 5806, Washington, DC 20520, **202 647-2009**

RIN: 1400–AA10

1600. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 120 to 130

Legal Deadline: None
Statutory deadline applies only to one proposed Notice; the remainder of the proposals are not subject to a legal deadline.

Abstract: The ITAR was first published in their current form in 1955 and have been periodically amended to reflect statutory enactments and to implement foreign policy. The last substantial revision occurred in December 1984; other amendments have been effected since this date. For example, on April 4, 1988, the ITAR was amended to implement an amendment to the Arms Export Control Act (AECA) that was designed primarily to ensure that individuals or firms convicted of certain offenses or debarred by U.S. Government agencies are denied export privileges. The Office of Munitions

STATE — Prerule Stage

Control is continually seeking ways to improve the administration of its export control function by seeking to clarify or amend the ITAR, as necessary. During the next few months, the Department intends to amend the ITAR to include an exemption for certain temporary imports and re-exports of defense articles. The Department also intends to publish more comprehensive changes to the ITAR, which would first be the subject comment.

Timetable:

Action	Date	FR Cite
Published "Standards Identifying High-Risk Exports"	09/26/88	53 FR 37382
Continue proposed revisions	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Chard, Deputy Director, Office of Munitions Control, Department of State, PM/RASA/MC, Room 800, Department of State Annex 6, Washington, DC 20520, **703 875-6650**

RIN: 1400–AA23

DEPARTMENT OF STATE (STATE) — Proposed Rule Stage

1601. REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: 22 CFR 35

Legal Deadline: Final, Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a monetary penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jean Bailly, Attorney-Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW, Washington, DC 20520, **202 647-4446**

RIN: 1400–AA13

DEPARTMENT OF STATE (STATE) — Final Rule Stage

1602. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 653

Legal Deadline: None

Abstract: DOSAR interim rules (see 53 FR 26153, July 11, 1988), have been consolidated into eight cases and identified to the Office of Federal Procurement Policy, OMB, under OMB Regulatory Identification Numbers 89-001 through 89-008. Those cases are being presented to the Civilian Agency Acquisition Council for possible inclusion into the Federal Acquisition Regulation (FAR). DOSAR final rule action on those items awaits CAAC determinations.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 19990
NPRM Comment Period End	06/29/87	52 FR 19990
Interim Final Rule	07/11/88	53 FR 26158
Continued Review by FAR Council	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, **703 875-7047**

RIN: 1400–AA16

1603. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: This regulation established uniform administrative requirements for grants and cooperative agreements to State and local governments. The regulation is being changed to include institutions of higher education, hospitals, and other nonprofit organizations. This effort represents a merging of OMB circulars A-102 and A-110, and is being promulgated by 27 Federal agencies under the common rulemaking procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24958
Notice of Proposed Forms	05/29/87	52 FR 20178
NPRM	06/09/87	52 FR 21820
Begin Review	06/24/87	52 FR 23729
Notice Public Comment Period End	07/28/87	52 FR 20178
NPRM Comment Period End	08/10/87	52 FR 21820
Final rule	03/11/88	53 FR 8034

STATE **Final Rule Stage**

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Public Comment Period End	01/03/89	53 FR 44716
Final Rule	11/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, **703 875-7047**

RIN: 1400–AA20

1604. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 137

Legal Deadline: Other, Statutory, March 18, 1989.
Interim final rule for drug-free workplace regulation.

Abstract: This regulation established a uniform system of nonprocurement debarment and suspension among 27 Federal agencies. The regulation included coverage published as an interim rule, which will remain so indefinitely, until a comprehensive debarment and suspension system covering both procurement and nonprocurement is established (see 53 FR 34474, September 6, 1988). This regulation also has been amended to include Government requirements for drug-free workplace, pursuant to the Drug-Free Workplace Act of 1988 (P.L. 100-690, Title V, Subtitle D). The drug-free workplace interim rule (see 54 FR 4947, January 31, 1989) will be finalized during this regulatory period.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39015
NPRM Comment Period End	12/21/87	52 FR 39015
Interim Final Rule	05/26/88	53 FR 19161
Final Rule	05/26/88	53 FR 19161
OMB Notice	09/06/88	53 FR 34474
Final Rule effective	10/01/88	53 FR 19161
Final Rule and Interim Final Rule	01/31/89	54 FR 4947
Interim Final Rule effective	03/18/89	54 FR 4947
Interim Final Rule comment period end	04/03/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, **703 875-7047**

RIN: 1400–AA21

1605. ● AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-010)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c); 22 USC 4343

CFR Citation: 48 CFR 625

Legal Deadline: Final, Statutory, June 20, 1988.
Interim final rule at 22 CFR Part 136 made effective on June 20, 1988, the effective date of that section of the statute (PL 100-204).

Abstract: This action will amend the DOSAR to prescribe regulations covering disposition of personal property abroad by certain U.S. Government contractors. The regulation implements a general regulation at 22 CFR Part 136 (see 53 FR 23118, June 20, 1988), which was promulgated pursuant to section 186 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989. The DOSAR coverage will be issued as an interim final rule pending adoption on a government-wide basis, as the statute covers all contractors that enjoy importation or tax privileges in a foreign country because of their contractual relationship to the U.S. Government. The purpose of the statute is to ensure that contractors do not profit from transactions with persons not entitled to exemptions from import restrictions, duties, or taxes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-6, Washington, DC 20522-0602, **703 875-7047**

RIN: 1400–AA27

1606. ● AMENDMENT TO DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR CASE 89-009)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 653

Legal Deadline: None

Abstract: The DOSAR was issued on July 11, 1988 (53 FR 26158) and was current through Federal Acquisition Circular No. 84-33. This action will amend the DOSAR to conform with FAC's issued subsequent to FAC No. 84-33. Only those items not requiring public comment will be included in this action.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 202, SA-06, Washington, DC 20522-0602, **703 875-7047**

RIN: 1400–AA28

DEPARTMENT OF STATE (STATE)

Completed Actions

1607. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

CFR Citation: 22 CFR 151

Completed:

Reason	Date	FR Cite
Withdrawn	09/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Porter 202 647-3416

RIN: 1400–AA04

1608. SOUTH AFRICA AND FAIR LABOR STANDARDS

CFR Citation: 22 CFR 60 to 65

Completed:

Reason	Date	FR Cite
Final Action	08/02/89	54 FR 31815
Final Action Effective	08/02/89	54 FR 31815

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert Bruce 202 647-9866

RIN: 1400–AA19

1609. AUTOMOBILE LIABILITY INSURANCE REPORTING REQUIREMENTS UNDER THE FOREIGN MISSIONS ACT

Significance: Regulatory Program

CFR Citation: 22 CFR 151

Completed:

Reason	Date	FR Cite
Withdrawn	09/07/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Harry Porter 202 647-3416

RIN: 1400–AA24

[FR Doc. 89-22483 Filed 10-27-89; 8:45 am]

BILLING CODE 4710-10-T

Federal Register

Monday
October 30, 1989

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 89-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The regulations agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of and allow it to more effectively participate in the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street SW., Washington, DC 20590; except for the Federal Aviation Administration, which is located at 800 Independence Avenue SW., Washington, DC 20591, and the U.S. Coast Guard, which is located at 2100 Second Street SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590; 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

Table of Contents

Supplementary Information:
- Background
- Regulatory Flexibility Act
- Regulatory Impact Analysis
- Definitions
- Explanation of Information on the Agenda
- Mailing Lists for Regulatory Documents
- General Rulemaking Contact Persons
- Public Rulemaking Dockets
- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
- Appendix C - Public Rulemaking Dockets

Agenda

Background

Improvement of Government regulations is a prime goal of the Bush Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals and in accordance with Executive Order 12291 "Federal Regulation" (46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual regulations agenda for publication in the **Federal Register.** The agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for and reviewed by the Department Regulations Council, the Department's regulations agenda is prepared and published in the **Federal Register.** The Department's last agenda was published in the **Federal Register** on April 24, 1989 (54 FR 16889). The next one is scheduled for publication in the **Federal Register** in April 1990.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared; i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that, each year, the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities, and a full RFA review will be unnecessary.

Regulatory Impact Analysis

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1)is likely to result in:

(a)An annual effect on the economy of $100 million or more;

DOT

(b)a major effect on the general economy in terms of costs, consumer prices, or production;

(c)a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d)significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2)the Secretary or head of the initiating office has determined requires such an analysis.

Definitions

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that, in the judgment of the head of the initiating office or the Secretary or the Deputy Secretary,

(a) is a major regulation;

(b) concerns a matter on which there is substantial public interest or controversy;

(c) has a major impact on another operating administration or other parts of the Department or other Federal agency;

(d) has a substantial effect on State and local governments;

(e) has a substantial impact on a major transportation safety problem;

(f) initiates a substantial regulatory program or change in policy;

(g) is substantially different from international requirements or standards; or

(h) otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register** or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office, the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if there is information that does not fit in the other categories, it will be included under a separate heading entitled, "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared.); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the **Federal Register** which may occur between agenda publications. (Departmental rulemaking documents published in the **Federal Register** now contain RIN numbers.)

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made

on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for or to obtain copies of regulatory documents, including the Department's semiannual regulations agenda issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's regulations agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information, as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and, therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this regulations agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department or any of the offices within the Department, with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded. If further information is desired on any of the items listed in the

agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC, on September 25, 1989.

Samuel K. Skinner,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of any regulatory document to be issued that is listed in this agenda should communicate, either by telephone or by letter, with the contact person listed with the regulation at the following addresses:

United States Coast Guard (USCG)

(Name of contact person), United States Coast Guard, 2100 Second Street SW., Washington, DC 20593.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 400 7th Street SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

(Name of contact person), Federal Railroad Administration, 400 7th Street SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

(Name of contact person), Urban Mass Transit Administration, 400 7th Street SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street SW., Washington, DC 20590.

Maritime Administration (MARAD)

James Saari, Secretary, Maritime Administration, 400 Seventh Street SW., Room 7300B, Washington, DC 20590, (202) 366-5746.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue SW., Washington, DC 20591.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Department's regulations agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590; (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons interested in a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation-related rulemakings if they so request.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 3600, 2100 Second Street SW., Washington, DC 20593; telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave. SW., Room 915A, Washington, DC 20591; telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street SW., Room 4223, Washington, DC 20590; telephone: 202/366-1383.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street SW., Room 8201, Washington, DC 20590; telephone: 202/366-0767.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street SW., Room 5219, Washington, DC 20590; telephone: 202/366-2992.

UMTA - Linda Hart, Office of Chief Counsel, 400 7th Street SW., Room 9316, Washington, DC 20590; telephone: 202/366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street SW., Room 5424, Washington, DC 20590; telephone: 202/366-0101.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street SW., Room 8405, Washington, DC 20590; telephone: 202/366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street SW., Room 7300B, Washington, DC 20590; telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street SW., Room 10424, Washington, DC 20590; telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 Second Street SW., Room 3600, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave. SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street SW., Room 4232, Washington, DC 20590, Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

DOT

NHTSA - Docket Room, 400 7th Street SW., Room 5109, Washington, DC 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1610	+ Computer Reservation System (CRS) Rules: Review	2105-AB47
1611	+ Anti-Alcohol Program for the Transportation Industry	2105-AB52
1612	Direct Flights	2105-AA73
1613	Comprehensive Review of CAB Consumer Rules	2105-AB03
1614	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1615	+ Commercial Space Transportation: Procedures for Setting Financial Responsibility Requirements for Commercial Space Launch Activity	2105-AA26
1616	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1617	+ Antidrug Programs for Department of Transportation Contractors	2105-AB40
1618	+ Nondiscrimination on the Basis of Handicap in Federally Assisted Mass Transit Programs	2105-AB53
1619	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
1620	Transportation Acquisition Regulations	2105-AB54

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1621	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1622	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1623	+ Statement of Enforcement Policy on Rebating	2105-AB39
1624	+ Procedures for Transportation Workplace Drug-Testing Programs	2105-AB42
1625	+ Essential Air Service; Reductions	2105-AB43
1626	+ Price Advertising	2105-AB50
1627	Title VI Civil Rights Regulation	2105-AA02
1628	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1629	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1630	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1631	Airline Time and Mileage Guides	2105-AA39
1632	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1633	Air Travelers: Age Discrimination	2105-AA45
1634	Policy Statement on Airline Preemption	2105-AA46
1635	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1636	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1637	Diversion of Flights Within a Metropolitan Area	2105-AA78
1638	Simplified Aviation Exemption Procedures	2105-AA82
1639	Baggage Liability Notices in International Air Transportation	2105-AA84
1640	Simplified Airline Counter-Sign Notices	2105-AA88
1641	Uniform Administrative Requirements for Grants and Cooperative Agreements	2105-AB46
1642	Referral of Debts to the IRS for Tax Refund Offset	2105-AB51

+ Designates significant regulation.

DOT

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1643	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1644	+ Electronic Filing of Tariffs	2105-AB00
1645	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1646	+ Certification of Speed-Limit Enforcement	2105-AB22
1647	+ Nondiscrimination on the Basis of Handicap (Commuter Rail Programs)	2105-AB23
1648	+ Escrow/Bond Protection for Airline Tickets	2105-AB26
1649	Review of Air Carrier Agreements	2105-AB48
1650	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation -- State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1651	Zones for Airline Mail Rates	2105-AA44
1652	Overseas Military Personnel Air-Charter Tariffs	2105-AA67
1653	Effect of Expiration of a Bilateral Service Agreement on Foreign Air-Carrier Authority	2105-AA68
1654	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1655	Cargo Rate Changes on 30 Days' Notice	2105-AA99
1656	Exemption From Prior-Approval Requirements for Certain Transactions	2105-AB20
1657	Counting UMTA Reduced-Fare Program Costs Toward 504 Cost Cap	2105-AB29

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1658	+ Subdivision and Damage Stability of Dry Cargo Vessels (CGD 87-094)	2115-AC87
1659	Port Access Routes; Approach to Freeport, Texas (CGD 87-038)	2115-AC78
1660	Port Access Routes: Approaches to Chesapeake Bay (88-041)	2115-AD09
1661	Disestablishment of Vessel Traffic Service: New Orleans (88-056)	2115-AD10
1662	Controlling The Marine Asbestos Hazard (88-103)	2115-AD16
1663	Vessel Identification System (89-050)	2115-AD35

+ Designates significant regulation.

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1664	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1665	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1666	+ User Fees: Small Passenger and Sailing School Vessels (CGD 87-020)	2115-AC74
1667	+ Special Cargo Requirements for Benzene (88-040)	2115-AD08
1668	+ Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079)	2115-AD12
1669	+ Safety Standards for Vapor Control Systems (88-102)	2115-AD15
1670	Tankerman Requirements and Qualifications for Persons-in-Charge of Dangerous Liquid and Liquefied Gas Transfer Operations (79-116)	2115-AA03
1671	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
1672	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29
1673	Launching Devices for Inflatable Liferafts (79-168)	2115-AA45
1674	Personal Flotation Devices (81-023)	2115-AA58
1675	Pollution-Prevention Regulations for Tankers: General Revisions of 33 CFR 157 (82-030)	2115-AA88
1676	Outer Continental Shelf Facilities: Aids to Navigation (82-054)	2115-AA92
1677	Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1678	Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1679	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1680	Marine Portable Tanks (84-043)	2115-AB69
1681	Personal Flotation Device Components (84-068)	2115-AB70
1682	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1683	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1684	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1685	Certification of Seamen (84-088)	2115-AC02

DOT

U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1686	Gulf Inland Waterway Regulated Navigation Area (85-096)	2115-AC03
1687	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1688	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1689	Load Lines (86-013)	2115-AC37
1690	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1691	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205)	2115-AC51
1692	Posting Requirements on Inspected Vessels (87-031)	2115-AC68
1693	Fishing Vessel Emergency Position Indicating Radio Beacons (EPIRBs) (87-016)	2115-AC69
1694	Regattas and Marine Parades (CGD 87-087)	2115-AC84
1695	Small Passenger Vessel Manning and Personnel Qualifications (85-080a)	2115-AC93
1696	Lifeboat, Liferaft and Rescue Boat Approval Requirements - SOLAS 74/83 (85-201a)	2115-AC94
1697	Documentation of Vessels - Controlling Interest (88-031)	2115-AC99
1698	Marine Transport of Bulk Solid Hazardous Materials (87-069)	2115-AD02
1699	Private Electronic Aids to Maritime Navigation (88-011)	2115-AD04
1700	Incorporation and Adoption of Industry Standards (88-032)	2115-AD05
1701	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049)	2115-AD06
1702	Automatic Auxiliary Boilers (88-057)	2115-AD11
1703	Access Documents to Waterfront Facilities (88-097)	2115-AD14
1704	Advance Notice of Arrival; Warsaw Pact Nationals (88-104)	2115-AD17
1705	Regulated Navigation Areas; Brownsville Ship Channel (8-89-01)	2115-AD21
1706	Implementation of the Shore Protection Act of 1988 (89-014)	2115-AD23
1707	Amendment of Annexes to Inland Navigation Rules (89-024)	2115-AD28
1708	User Fees For Vessel Documentation (89-007)	2115-AD29
1709	Recording of Instruments--Vessel Documentation (89-008)	2115-AD30
1710	Documentation of Vessels-Hailing Port (89-026)	2115-AD32
1711	Incorporation of New SOLAS Amendments on Stability (89-037)	2115-AD33
1712	Stability Regulations--General Revision of Subchapter S (89-038)	2115-AD34

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1713	+ Offshore Supply Vessel Regulations (82-004)	2115-AA77
1714	+ Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032)	2115-AB29
1715	+ Hazardous Materials Pollution Prevention: Bulk Liquids (86-034)	2115-AC29
1716	+ Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1717	+ Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1718	+ Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1719	+ Prevention of Pollution by Plastics, Annex V of MARPOL(88-002)	2115-AC89
1720	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1721	Dealer and First-Purchaser List (77-115)	2115-AA16
1722	Standards for Vessel Piping Systems (77-140)	2115-AA17
1723	Offshore Cranes: Standards and Operator Qualifications (79-059)	2115-AA34
1724	General Bridge Permit Regulations (81-057)	2115-AA61
1725	Safety/Security Zone Regulations	2115-AA97
1726	Anchorage Area Regulations	2115-AA98
1727	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1728	Oil Pollution Prevention, MARPOL Annex I (85-026)	2115-AC11
1729	Performance Standards and Approval Procedures for Inflatable Life Jackets (78-174b)	2115-AC16
1730	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1731	Small Passenger Vessel Inspection and Certification (CGD 85-080)	2115-AC22
1732	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1733	Cargo Lists and Tables Update (CGD 88-100 and 88-100a)	2115-AC35
1734	Guidelines on Navigation Bridge Visibility (85-099)	2115-AC42
1735	Tonnage Measurement of Vessels (87-015b)	2115-AC67
1736	Alternative Provisions for Reinspections of Offshore Supply Vessels in Foreign Ports (CGD 82-004a)	2115-AC86
1737	Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065)	2115-AC88

DOT

U.S. Coast Guard—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1738	Anchorage Regulations (86-079)	2115-AC96
1739	Aids to Navigation System, Removal of References (88-018)	2115-AC97
1740	Civil Appeals Procedures (88-033)	2115-AD00
1741	Cargo Gear Inspection and Testing (87-089)	2115-AD03
1742	Written Warnings By Coast Guard Law Enforcement Officials (88-074)	2115-AD13
1743	Great Lakes Pilotage Regulations (88-111)	2115-AD19
1744	Summons in Lieu of Seizure of Commercial Fishing-Industry Vessels (CGD 89-003)	2115-AD20
1745	United States Aids to Navigation System (88-018)	2115-AD36
1746	Amendments to the International Regulations for Preventing Collisions at Sea (89-067)	2115-AD37

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1747	+ Joint U.S.-Canada Vessel Traffic Management Regulations for the Pacific Region (79-131)	2115-AA39
1748	+ Offshore Evacuation Procedures (84-098(b))	2115-AC41
1749	+ Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel	2115-AC45
1750	Maneuvering Performance Standards for U.S. Vessels (80-136)	2115-AA53
1751	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1752	Pollution Rules for Ships Carrying Hazardous Liquids (81-101)	2115-AA73
1753	Nautical Schools: Implementing the Maritime Education and Training Act of 1980 (82-092)	2115-AB21
1754	Fire Detection and Alarm Systems (85-051)	2115-AC13
1755	Inspected Fish Processing and Fish Tender Vessels (86-026)	2115-AC27
1756	Fire Extinguishers (Portable and Semi-Portable) - Revising Approval Specifications and Updating Carriage Requirements (86-072)	2115-AC43
1757	SOLAS 74/83 Life Jacket Approval Requirements Revision (85-200)	2115-AC46
1758	SOLAS 74/83 Emergency Drinking Water and Food Approval Requirements (85-202)	2115-AC48
1759	Revision of Pyrotechnic Distress Signal Approval Requirements: SOLAS 74/83 (85-203)	2115-AC49
1760	Revision of Disembarkation Ladder Approval Requirements: SOLAS 74/83 (85-204)	2115-AC50
1761	Hydraulic Release Units for Lifesaving Equipment: SOLAS 74/83 (85-206)	2115-AC52
1762	Revision of Davit and Winch Approval Requirements: SOLAS 74/83 (85-207)	2115-AC53
1763	Radar Reflector Approval Requirements: SOLAS 74/83 (85-209)	2115-AC54
1764	Revision of Lifebuoy Approval Requirements: SOLAS 74/83 (85-210)	2115-AC55
1765	Revision of Life Jacket Light Approval Requirements: SOLAS 74/83 (85-211)	2115-AC56
1766	Advance Notice of Arrival (CGD 86-055)	2115-AC58
1767	Oil Discharge Monitoring and Control System (CGD 87-057)	2115-AC85
1768	Floating Electric Waterlights (85-208)	2115-AC95
1769	Mississippi River; Regulated Navigation Area (88-075)	2115-AD07
1770	Qualifications for Persons in Charge of Oil Transfer Operations (79-116a)	2115-AD18
1771	Adjustment of Galveston Traffic Separation Scheme (89-019)	2115-AD22
1772	Regulated Navigation Area; Hampton Roads, VA (05-89-01)	2115-AD24
1773	Regulated Navigation Area; Kings Bay, GA (7-88-46)	2115-AD25
1774	Changes to Honolulu and Guam Marine Inspection Zones (CGD 89-039)	2115-AD26
1775	Change of Address for Marine Safety Center(89-025)	2115-AD27

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1776	+ Review and Revision of Repair Station Requirements	2120-AC38
1777	+ Installation of Crashworthy Fuselage Fuel Tanks and Fuel Lines	2120-AC87
1778	+ TCAS II and Windshear Implementation Schedules	2120-AD23
1779	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1780	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27

DOT

Federal Aviation Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1781	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1782	+ Civil Supersonic Aircraft Noise Type Certification Standards and Operating Rules	2120-AC22
1783	+ Drug Enforcement Assistance	2120-AD16
1784	+ Crash Resistant Fuel Systems in Small Airplanes	2120-AA57
1785	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1786	+ Airspace Reclassification	2120-AB95
1787	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes	2120-AC43
1788	+ Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets	2120-AC45
1789	+ Improved Access to Type III Emergency Exits	2120-AC46
1790	+ Flight Plan Filing Requirements; National Airspace Review Recommendation	2120-AC56
1791	+ Parts 121 and 135 - Training, Checking, Certification, and Qualifications Requirements	2120-AC79
1792	+ United States Control Area	2120-AC88
1793	+ Proposed Establishment of the Washington Tri-Area TCA and Revocation of the Washington, DC, TCA and Airport Radar Service Areas at Baltimore-Washington and Dulles Airports	2120-AD01
1794	+ Proposed Establishment of the Orlando, Florida, Terminal Control Area	2120-AD03
1795	+ Proposed Establishment of the Houston Hobby Terminal Control Area	2120-AD04
1796	+ Proposed Establishment of the Tampa, Florida, Terminal Control Area	2120-AD07
1797	+ Phaseout of X-Ray Equipment for Carry-On Baggage	2120-AD13
1798	+ Emergency Locator Transmitters	2120-AD19
1799	+ Sole Means Radio Navigation System	2120-AD26
1800	+ Improved Seat Safety Standards for Commuter Category Airplanes	2120-AD27
1801	+ Ground Proximity Warning Systems	2120-AD29
1802	+ Exit Requirements for Part 23 Airplanes	2120-AD33
1803	+ Use of Inert Gas for Tire Inflation in Lieu of Air	2120-AD37
1804	Review of Medical Standards and Certification Procedures	2120-AA70
1805	Part 77 Review, Objects Affecting Navigable Airspace	2120-AA09
1806	Fuel System Fire Protection	2120-AA49
1807	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1808	Composite Propellers	2120-AB05
1809	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1810	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1811	Transport Category Rotorcraft Performance	2120-AB36
1812	Miscellaneous Operational Amendments	2120-AB45
1813	Engine Fuel and Induction Systems	2120-AB76
1814	New Rotorcraft 30-Second/2-Minute One-Engine-Inoperative Power Ratings	2120-AB90
1815	Turboshaft Engine Rotor Burst Protection	2120-AB91
1816	Rotorcraft Regulatory Changes Based on European Joint Airworthiness Requirements Proposal	2120-AC27
1817	Non-Federal Air Traffic Control Towers	2120-AC59
1818	Shoulder Harnesses in Normal and Transport Category Rotorcraft	2120-AC67
1819	Rotorcraft Crash Resistant Fuel Systems	2120-AC68
1820	Landing Gear Aural Warning	2120-AC82
1821	Ketchikan International Airport Traffic Rule, Part 93, Subpart M	2120-AC90
1822	Air Traffic Control Clearance Readback	2120-AC91
1823	Location of Marks on Fixed-Wing Aircraft and Airships	2120-AC99
1824	Revision of Aviation Maintenance Technician School Rules	2120-AD09
1825	Airport Certification; Clarification of Various Provisions	2120-AD10
1826	Small Airplane Airworthiness Review Program Notice No. 4	2120-AD20
1827	Airworthiness Standards: Aircraft Engines; Proposal for New One-Engine-Inoperative Ratings, Definitions, and Type Certification Standards	2120-AD21
1828	Maintenance Recording Requirements	2120-AD25
1829	Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins	2120-AD28
1830	Small Airplane Airworthiness Review Program Notice No. 3	2120-AD30
1831	Designated Engineering Organization Authorization Procedures	2120-AD31

DOT

Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1832	Requirements for Aircraft Protection in High Energy Radiated Electromagnetic Fields	2120-AD32
1833	Airplane Engine Cowling Retention	2120-AD34
1834	Depressurization Evaluation of Structures	2120-AD35
1835	Vibration, Buffet and Aeroelastic Stability Requirements for Transport Category Airplanes	2120-AD36
1836	Airplane Jacking Loads	2120-AD38
1837	Bird Strike Damage Assessment	2120-AD39
1838	1-G Stall Speed as a Basis for Compliance With Part 25	2120-AD40

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1839	+ Pilot, Flight Instructor, and Pilot School Certification Rules	2120-AB12
1840	+ Primary Category Aircraft	2120-AB53
1841	+ Transponder Requirements in an Air Defense Identification Zone (ADIZ)	2120-AB99
1842	+ Fuel Venting and Exhaust-Emission Requirements for Turbine-Engine Powered Airplanes	2120-AC62
1843	+ Improved Survival Equipment for Inadvertent Water Landings	2120-AC72
1844	+ Exit Row Seating	2120-AC75
1845	+ Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
1846	+ Special Federal Aviation Regulation; Advanced Qualification Program	2120-AC85
1847	+ Transport Category Rotorcraft Structural Fatigue Evaluation	2120-AA84
1848	+ Airplane Cabin-Fire Protection	2120-AB22
1849	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1850	+ Elimination of Airport Delays	2120-AB42
1851	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1852	+ Flight Attendant Requirements	2120-AC32
1853	+ Pilots Convicted of Alcohol- or Drug-Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedures	2120-AC51
1854	+ Design Standards for Fuel Tank Access Covers	2120-AC58
1855	+ Minimum Equipment List (MEL) Requirements	2120-AC86
1856	+ Establishment and Discontinuance Criteria for Airport Traffic Control Tower Facilities	2120-AC98
1857	+ Proposed Establishment of the Phoenix Terminal Control Area and Revocation of the Phoenix Airport, Airport Radar Service Area; Arizona	2120-AD00
1858	+ Proposed Establishment of the Salt Lake City Terminal Control Area and Revocation of the Salt Lake City International Airport, Airport Radar Service Area	2120-AD02
1859	+ Proposed Establishment of the Memphis Terminal Control Area and Revocation of the Memphis Airport, Airport Radar Service Area; Tennessee	2120-AD05
1860	+ Navigational Equipment Requirement in a Terminal Control Area, Visual Flight Rules Operations	2120-AD15
1861	+ Airborne Low-Altitude Windshear Equipment and Training Requirements	2120-AD18
1862	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1863	Transport Category Airplane Airworthiness Standards	2120-AA47
1864	Miscellaneous Amendments	2120-AA50
1865	Fatigue Requirements for Small Airplanes	2120-AA58
1866	National Airspace Review (NAR): Terminal Airspace Task Group Recommendations	2120-AB02
1867	Night-Visual Flight Rules Visibility and Distance from Clouds Minimums	2120-AB04
1868	Airworthiness Standards: Aircraft Engines, Electrical and Electronic Engine Control Systems	2120-AB06
1869	Low-Fuel-Quantity Alerting System	2120-AB46
1870	Construction, Alteration, Activation, and Deactivation of Airports	2120-AB74
1871	Helicopter Instrument Flight	2120-AB87
1872	Amend Section 43.17 to Allow for Maintenance of U.S. Aeronautical Products in Canada in Compliance with the U.S.-Canadian Bilateral Airworthiness Agreement	2120-AB89
1873	Controlled Airspace Designations in International Airspace	2120-AB93
1874	Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1875	Small Airplane Airworthiness Review Program Notice No. 5	2120-AC14
1876	Small Airplane Airworthiness Review Program Notice 2	2120-AC15
1877	Improved Structural Requirements for Pressurized Cabins and Compartments in Transport Category Airplanes	2120-AC44
1878	Realignment of Restricted Areas in the Eglin AFB Area	2120-AC63
1879	Indemnification of Publishers of Aeronautical Charts and Maps	2120-AC73
1880	Commuter Category - Response to Final Rule Comments	2120-AC77

DOT

Federal Aviation Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1881	Electrical and Electronic Systems Lightning Protection	2120-AC81
1882	Implementation of Equal Access to Justice Act	2120-AD17
1883	Organizational Changes and Delegations of Authority	2120-AD24
1884	Part 95 Instrument Flight Rules	2120-AA63
1885	Airworthiness Directives	2120-AA64
1886	Standard Instrument Approach Procedures	2120-AA65
1887	Airspace Actions	2120-AA66

+ Designates significant regulation.

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1888	+ Metropolitan Washington Airports Policy	2120-AA89
1889	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities	2120-AC33
1890	+ Certification of Recreational Pilots and Annual Flight Review; Requirements for Recreational Pilots and Non-Instrument-Rated Private Pilots	2120-AA54
1891	+ Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1892	+ Noise and Emission Standards for Aircraft Powered by Advanced Turboprop (Propfan) Engines	2120-AC20
1893	+ Location of Passenger Emergency Exits in Transport Category Airplanes	2120-AC29
1894	+ Terminal Control Area (TCA) Classification and TCA Pilot and Navigational Equipment Requirements	2120-AC35
1895	+ Security Program for Foreign Air Carriers	2120-AC42
1896	+ Cockpit Voice Recorders (CVR) and Flight Recorders	2120-AC48
1897	+ Transponder With Automatic Altitude Reporting Capability Requirement	2120-AC66
1898	+ Parts 121/135 Training, Checking, Certification, and Qualification	2120-AC80
1899	+ Smoking Aboard Aircraft	2120-AC83
1900	+ High Density Traffic Airports Slot Allocation and Transfer Methods	2120-AC96
1901	+ Proposed Establishment of the Baltimore, Maryland, Terminal Control Area	2120-AD06
1902	+ Proposed Establishment of the Charlotte Terminal Control Area and Revocation of the Charlotte/Douglas International Airport, Airport Radar Service Area; North Carolina	2120-AD08
1903	+ Explosives Detection Systems for Checked Baggage	2120-AD12
1904	+ Security Directives and Information Circulars	2120-AD14
1905	+ Air Traffic Control Radar Beacon System and Mode S Transponder Requirements in the National Airspace System; Transponder With Automatic Altitude Reporting Capability Requirement	2120-AD22
1906	Review Part 75 for Retention or Revocation	2120-AC55
1907	Part 91, Subpart B, Review for Simplification	2120-AA07
1908	Revision of Part 91	2120-AA13
1909	Flight Engineer Training	2120-AA79
1910	Instrument Flight Rule Requirements	2120-AA82
1911	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1912	Protective Breathing Equipment	2120-AB32
1913	Part 101 Review Program	2120-AB75
1914	Antiblocking Device	2120-AB92
1915	Type Certification Basis for Product Type Design Change	2120-AC05
1916	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17
1917	Temporary Flight Restrictions	2120-AC40
1918	Global Positioning System Use in Terminal Control Areas	2120-AC54
1919	Proposed Revision of Part 93, Subpart O(JAX)	2120-AC65
1920	Special Flight Rules in the Vicinity of the Grand Canyon National Park	2120-AC70
1921	Rules of Practice for FAA Civil Penalty Actions	2120-AC74
1922	Airport Radar Service Area (ARSA) Clarification - Two-Way Radio Communications	2120-AC89
1923	Very High Frequency Omnirange Station (VOR) Federal Airway No. 16, Part 93, Subpart E	2120-AC92

+ Designates significant regulation.

DOT

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1924	Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
1925	Qualification of Drivers; Diabetes	2125-AB91
1926	Truck Length and Width Exclusive Devices	2125-AC30

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1927	+ Truck Size and Weight; Reasonable Access	2125-AB70
1928	+ Commercial Driver's License Standards; Biometric Identifier	2125-AC24
1929	+ Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking	2125-AC28
1930	+ Uniform System for Handicapped Parking	2125-AC39
1931	Review: General Materials Requirements	2125-AA19
1932	Review and Preemption of State Motor-Carrier Safety Regulations	2125-AC11
1933	Construction Contract Equal Opportunity Compliance Procedures	2125-AB15
1934	Administration of Engineering and Design Related Service Contracts	2125-AB30
1935	Federal Motor Carrier Safety Regulations; Paperwork Burdens	2125-AC04
1936	Construction Engineering Costs	2125-AC09
1937	Acquisition of Real Property for Rights-of-Way	2125-AC17
1938	Environmental Impact and Related Procedures; Constructive Use	2125-AC18
1939	Design Standards for Highways; AASHTO Publication; Geometric Design of Highways and Streets	2125-AC22
1940	Inspection, Repair and Maintenance; Brake Inspection	2125-AC25
1941	Parts and Accessories for Safe Operation; Emergency Warning Devices	2125-AC26
1942	Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition	2125-AC27
1943	Design Standards for Highways; Reference Material; Roadside Design Guide	2125-AC32
1944	Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings; Penalties for Failure to Comply With Notices and Orders Issued Under the Authority of 49 USC 521(b)	2125-AC36
1945	Truck Size and Weight; Dromedary Decks and Plates	2125-AC37
1946	Truck Size and Weight; Saddlemount Combinations	2125-AC38
1947	Federal Motor Carrier Safety Regulations; Minimum Levels of Financial Responsibility; Foreign Motor Carriers	2125-AC41
1948	Manual on Uniform Traffic Control Devices	2125-AA37

+ Designates significant regulation.

Federal Highway Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1949	+ Private Carriage of Passengers	2125-AB62
1950	+ Commercial Driver's License Standards; Disqualification	2125-AC19
1951	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10
1952	Contract Procedures	2125-AA18
1953	Compliance with Motor Carrier Noise Standards	2125-AA27
1954	Railroad Grade Crossings	2125-AA36
1955	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
1956	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1957	Advance Construction of Federal-Aid Projects	2125-AC07
1958	Public Availability of Information; Freedom of Information Act Regulations; Technical Amendments	2125-AC20
1959	Federal Motor Carrier Safety Regulations; General; Exempt Intracity Zone; Foreign Motor Carriers	2125-AC21
1960	Design Standards for Highways; Interstate System	2125-AC34
1961	Truck Size and Weight; National Network; Oregon	2125-AC35
1962	National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Pavement Markings	2125-AC40
1963	Qualification of Drivers: Written Examinations	2125-AC42

+ Designates significant regulation.

DOT

Federal Highway Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1964	+ Truck Size and Weight; Specialized Equipment; Maxi-Cube	2125-AB48
1965	+ Labor and Employment	2125-AB37
1966	+ Certification of Speed Limit Enforcement	2125-AC00
1967	+ Truck Size and Weight; National Network; South Carolina	2125-AC23
1968	Acceleration of Projects	2125-AA87
1969	State Highway Agency Equal Employment Opportunity Programs	2125-AB08
1970	Right-of-Way	2125-AB58
1971	Property Management, Disposals and Airspace	2125-AB60
1972	Contract Procedures; Advertising for Bids; Noncollusion Affidavit/Declaration Requirement	2125-AC16
1973	Federal Motor Carrier Safety Regulations; General; Rental Vehicle Leasing	2125-AC29
1974	Design Standards for Highways; Guide Specifications for Bridge Railings	2125-AC31
1975	Commercial Driver Testing and Licensing Standards; Canadian Provinces and Territories	2125-AC33

+ Designates significant regulation.

National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1976	+ Standard 208; Occupant Crash Protection - Chest Injury Criteria and Mandatory Use of the Part 572(E) Dummy in the Standard Compliance Testing	2127-AC13
1977	+ Rollover	2127-AC64
1978	+ Standard 102; Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking Effect-Slippage	2127-AC74
1979	+ Standard 108; ID and Clearance Lamps on Wide Vehicles	2127-AC78
1980	+ Standard 205; Glazing Materiáls, Film Transmittance	2127-AC85
1981	Review: Schoolbus Seating Systems	2127-AA65
1982	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1983	Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1984	Review: Roof Crush Resistance and Door Locks and Door Retention Components	2127-AC20
1985	Occupant Protection In Interior Impact	2127-AB16
1986	Standard 301; Fuel-System Integrity	2127-AB43
1987	Supplemental FMVSS No. 208 Injury Criteria - Facial Lacerations, Neck Injury, Knee Shear, Tibia and Ankle Injuries	2127-AC12
1988	Bumper Standard - Damage Criteria	2127-AC29
1989	Standard 208; Occupant Crash Protection, Emergency Locking Retractors	2127-AC57
1990	Brake Lining	2127-AC66
1991	Battery Explosions	2127-AC67
1992	Establish a Standard for Safe Entry and Exit Requirements for Commercial Vehicles	2127-AC82
1993	Standard 201; Occupant Protection in Interior Impact	2127-AC84
1994	Standard 213; Child Restraint Systems - Newborn and Very Small Children	2127-AC87
1995	Federal Motor Vehicle Theft Prevention Standard	2127-AC92
1996	Standard 105; Hydraulic Brake	2127-AC94
1997	Standard 121; Air Brake Systems Stopping-Distance Performance	2127-AD07
1998	Standard 207; Seating Systems - Performance	2127-AD08
1999	Standard 109; New Pneumatic Tires and Part 575.104, Uniform Tire Quality Grading Standards - CT Tires	2127-AD21
2000	Standard 109; New Pneumatic Tires - Labelling Requirements	2127-AD22
2001	Standard 209; Seat Belt Assembly - Windowshade Type	2127-AD25

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2002	+ Commercial Vehicle Conspicuity	2127-AA12
2003	+ Truck Rear Underride Protection	2127-AA43
2004	+ Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
2005	+ Post 1991 Light Truck Fuel Economy Standards	2127-AC51
2006	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
2007	+ Proposed New Standard 135; Passenger-Car Brake System	2127-AA13

DOT

National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2008	+ Standard 302; Flammability of Interior Materials - School Buses	2127-AA44
2009	+ Pedestrian Protection	2127-AA45
2010	+ Side-Impact Protection -- Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AC43
2011	+ Standard 102; Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking Effect - Shift Position/Pattern	2127-AC75
2012	+ Standard 217; Bus Window Retention and Release - Upgrade for School Buses	2127-AC88
2013	+ Standard 301; Fuel-System Integrity - Upgrade for Buses	2127-AC89
2014	+ Standard 208; Occupant Crash Protection - Upgrade	2127-AD10
2015	+ Stop-Signal Arms on New School Buses; New Standard	2127-AD16
2016	+ Standard 111; Rearview Mirrors - School Buses	2127-AD24
2017	+ Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System	2127-AD26
2018	Rearview Mirror Systems	2127-AA21
2019	Air-Brake Systems, Parking and Emergency Brakes - Trailers	2127-AA27
2020	Procedures for Considering Environmental Impacts	2127-AB79
2021	Anthropomorphic Test Dummies Representing Children: 3-Year Old	2127-AB94
2022	Anthropomorphic Test Dummies: 6-Year Old	2127-AC09
2023	Anthropomorphic Test Dummies: 9-Month Old	2127-AC10
2024	Standard 205; Glazing Materials Ball Drop Test	2127-AC14
2025	Standard 221; School Bus Body Joint Strength	2127-AC19
2026	Bumper Standard - Test Procedures	2127-AC30
2027	Standard 205; Glazing Materials - Create a New Category, AS-15	2127-AC38
2028	Standard 118; Power-Operated Window Systems, Sunroofs	2127-AC52
2029	Standard 106; Brake Hoses Permanently Attached End Fittings	2127-AC55
2030	Standard 301; Fuel System Integrity, Testing Performance	2127-AC58
2031	Standard 301; Fuel System Integrity, Fuel Spillage	2127-AC62
2032	Comprehensive Review of Visibility Topics	2127-AC69
2033	Standard 108; Optically Combined Lamps: New Definition	2127-AC77
2034	Standard 121; Air-Brake Systems, Supplemental Connector	2127-AC80
2035	Standard 121; Air-Brake Systems, Expandable and Drop Frame Container Chassis	2127-AC81
2036	Tractor-Trailer Fifth Wheel; False Latching	2127-AC83
2037	Pedestrian Head-Protection Standard	2127-AC90
2038	Driving Range Determination for Dual-Fuel Passenger Cars	2127-AD02
2039	Standard 105; Hydraulic Brake Systems - Brake Failure Indicator Lamps	2127-AD03
2040	Standard 106; Brake Hoses - Assemblies	2127-AD04
2041	Standard 116; Motor Vehicle Brake Fluids - Color Requirements	2127-AD05
2042	Standard 121; Air Brake Systems Timing Requirements	2127-AD06
2043	Standard 207; Seating Systems - Test Procedure	2127-AD09
2044	Standard 208; Occupant Crash Protection - Dynamically Tested Seat Belts	2127-AD11
2045	Standard 216; Roof Crush Resistance - Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AD13
2046	Standard 108; Lamps, Reflective Devices and Associated Equipment - Petitions for Reconsideration, Reform	2127-AD17
2047	Standard 108; Lamps, Reflective Devices and Associated Equipment - Humidity Test	2127-AD18
2048	Standard 108; Color-Coded Rear Lighting	2127-AD19
2049	Standards for New Pneumatic Tires - Listing of Standardization Organizations	2127-AD20
2050	Standard 110, Tire Selection and Rims; and 120, Tire Selection and Rims for Other Than Passenger Cars - Size Labelling	2127-AD23
2051	Air-Brake Systems; Pneumatic Timing Requirements	2127-AD27

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2052	+ Crashworthiness Ratings	2127-AA03
2053	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
2054	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
2055	+ Side-Impact Protection: Thorax Protection	2127-AB86
2056	+ Lighting Simplification--Potential Amendments on Long-Term Issues to Simplify Federal Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
2057	+ Vehicle Classification	2127-AA57

DOT

National Highway Traffic Safety Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2058	+ Head Restraints - Extend to MPVs, Trucks, and Buses	2127-AC06
2059	+ Part 544, Motor Vehicle Theft Prevention; Reporting Requirements for Motor Vehicle Rental and Leasing Companies	2127-AC32
2060	+ Incentive Grant Criteria for Drunk-Driving-Prevention Programs (Section 410)	2127-AD01
2061	+ Standard 208; Occupant Crash Protection - Rear Seat Lap/Shoulder Belts, Phase 2	2127-AD12
2062	Part 571.3 - Definitions - Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
2063	Seat-Belt-Assembly Anchorages - Harmonize and Upgrade	2127-AA95
2064	New Non-Pneumatic Tires for Passenger Cars, Tire Selection, and Rims - Temporary Use of Non-Pneumatic Spare Tires	2127-AC18
2065	Gear Lock; Theft Protection	2127-AC24
2066	Odometer Disclosure Requirements	2127-AC42
2067	Standard 108; Proposed Use of 9007 Bulbs for Headlamps	2127-AC59
2068	Standard 115; Vehicle Identification Number and Part 567 - Certification Regulation	2127-AC65
2069	Standard 108; Lamps, Reflective Devices, and Associated Equipment; Upgrade References	2127-AC68
2070	Consumer Information Regulations	2127-AC72
2071	Standards 105 and 121; Hydraulic and Air Brake Systems - Brake Adjusters	2127-AC76
2072	Standard 208; Occupant Crash Protection - Broaden Test Procedures for Heavy Trucks	2127-AC86
2073	Confidential Business Information	2127-AC95
2074	Registered Importers of Nonconforming Vehicles	2127-AC97
2075	Schedule of Fees Authorized by the Imported Vehicle Safety Compliance Act	2127-AC98
2076	Nonconforming Vehicles: Eligibility for Importation	2127-AC99
2077	Importation of Vehicles and Equipment Subject to Federal Motor Vehicle Safety Standards	2127-AD00
2078	Insurer Reporting Requirements; List of Insurers Required to File Reports in October 1989	2127-AD14
2079	Final Listing of High Theft Lines for Model Year 1990	2127-AD15

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2080	+ Post-1988 Passenger-Car Fuel-Economy Standards	2127-AB75
2081	+ Standard 108; Lighting Reform, Near-Term Issues	2127-AC53
2082	+ Uniform Tire-Quality Grading	2127-AA52
2083	+ Heavy Trailer Stability	2127-AB42
2084	+ Standard 222; School Bus Seating and Crash Protection	2127-AB84
2085	+ Standard 208; Occupant Crash Protection - Rear Seat Lap/Shoulder Belts	2127-AB91
2086	+ Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC22
2087	+ Reconsideration of 1989 Passenger-Car Fuel-Economy Standard	2127-AC91
2088	Rearview Mirror Systems: Light Vehicles	2127-AA23
2089	Rearview Mirrors	2127-AA88
2090	Air-Brake Systems	2127-AB12
2091	Voluntary Vehicle Identification Standard (Theft Prevention Standard)	2127-AB93
2092	Standard 208; Occupant Crash Protection	2127-AC36
2093	FMVSS No. 208 Occupant Crash Protection	2127-AC49
2094	Standard 105; Hydraulic Brake Systems	2127-AC50
2095	Standard 102; Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking	2127-AC54
2096	Standard 107; Reflecting Surfaces - Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses	2127-AC56
2097	Standard 108; Lamps, Reflective Devices and Associated Equipment - Proposed Amendment to Permit a New, Small, Sealed-Beam Headlamp	2127-AC60
2098	Standard 108; Lamps, Reflective Devices, and Associated Equipment	2127-AC61
2099	Standard 120; Tire Selection and Rims for Vehicles Other Than Passenger Cars	2127-AC79
2100	Standard 202; Head Restraints	2127-AC93
2101	Final Listing of High Theft Lines for 1989 Model Year; Motor Vehicle Theft Prevention Standard	2127-AC96

+ Designates significant regulation.

DOT

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2102	+ Rail-Highway Grade Crossing Safety	2130-AA45
2103	+ Railroad Operating Practices; Procedures for Bridge-Worker Safety	2130-AA48
2104	+ Locomotive Operator; Qualification Standards	2130-AA51
2105	+ Train Operation Event Recorders	2130-AA53

+ Designates significant regulation.

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2106	+ Railroad Accident/Incident Reports Classification and Notification of Right to Submit Employee Supplements	2130-AA44
2107	+ Railroad Operating Practices -- Protection of On-Track Sleeping Quarters	2130-AA46
2108	+ Safety Enforcement Procedures; Disqualification of Employees	2130-AA49

+ Designates significant regulation.

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2109	+ Review of Radio Communication	2130-AA34
2110	+ Alcohol and Drug Testing Regulations	2130-AA43
2111	+ Rail-Highway Grade-Crossing Safety	2130-AA27
2112	+ Jurisdictional Conformity Amendments	2130-AA50
2113	Review: Regulatory Flexibility Act Reviews	2130-AA10
2114	Review of Locomotive Cab Safety	2130-AA32
2115	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40
2116	Interior Noise Standards for On-Track Sleeping Quarters	2130-AA52

+ Designates significant regulation.

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2117	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
2118	School Bus Operations	2132-AA09

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2119	+ Major Capital Investment Projects	2132-AA34
2120	+ Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
2121	+ Bus Testing Guidelines	2132-AA30
2122	+ "Buy America" Requirements of the Surface Transportation and Uniform Relocation Assistance Act of 1987	2132-AA35
2123	Capital Leases	2132-AA28
2124	Pre-Award and Post-Delivery Audits of Rolling-Stock Purchases	2132-AA29
2125	Project Management Oversight	2132-AA31

+ Designates significant regulation.

DOT

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2126	+ Major Capital Investment Projects	2132-AA22
2127	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15

+ Designates significant regulation.

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2128	+ Registration of Shippers and Carriers of Hazardous Materials	2137-AB43
2129	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16
2130	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
2131	Airline Revenue/Nonrevenue, First Class/Business Class/Coach Passengers: Revised Definitions	2137-AB00
2132	Subsidized Commuter Carriers and Foreign Air Carriers: Records and Retention Periods	2137-AB04
2133	Fumigation	2137-AB41
2134	Conforming Gas and Liquid Pipeline Welding Standards: Final Phase	2137-AB45
2135	Gas Pipelines Operating Above 72 Percent of Specified Minimum Yield Strength	2137-AB53
2136	Transportation of Radioactive Materials	2137-AB59

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2137	+ Performance-Oriented Packaging Standards	2137-AA01
2138	+ Training for Hazardous Materials Transportation	2137-AB26
2139	+ Gas Gathering Line Definition	2137-AB15
2140	+ Proposals for Pipeline Safety	2137-AB27
2141	+ Hazardous Materials in Intrastate Commerce	2137-AB37
2142	+ Qualification of Pipeline Personnel	2137-AB38
2143	+ Highway Routing Standards for Certain Types and Quantities of Hazardous Materials	2137-AB42
2144	+ Operation and Maintenance Procedures for Pipelines	2137-AB44
2145	+ Pressure Testing Existing Hazardous Liquid Pipelines	2137-AB46
2146	+ Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory	2137-AB48
2147	+ Pipeline Safety Grant Program: Minimum Requirements for One-Call Systems	2137-AB66
2148	Carriage of Hazardous Materials by Motor Vehicle	2137-AA07
2149	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
2150	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34	2137-AA92
2151	Enforcement of Motor Carrier Financial Responsibility Requirements	2137-AB35
2152	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks	2137-AB40
2153	Gas Detection and Monitoring in Compressor Station Buildings	2137-AB49
2154	DOT 3AL Aluminum Cylinders; Safety Problems	2137-AB51
2155	Revision of Operating Requirements for Rail Carriage	2137-AB55
2156	Revision of RSPA Form 41 Report for Changes in GAAP-FAS 95 Statement of Cash Flows	2137-AB57
2157	Elevated Temperature Materials	2137-AB58
2158	Transportation Regulations; Compatibility with the International Atomic Energy Agency	2137-AB60
2159	Retest Requirements for DOT 8 and 8AL Cylinders	2137-AB61
2160	Transportation of Hydrogen Sulfide by Pipeline	2137-AB63

DOT

Research and Special Programs Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2161	Leakage Surveys	2137-AB64
2162	Pressure Regulators Subject to Inspection and Testing	2137-AB65
2163	Alternative Weld Defect Acceptance Criteria	2137-AB67
2164	Passage of Internal Inspection Devices	2137-AB71
2165	Transportation of Carbon Dioxide by Pipeline	2137-AB72
2166	Prohibited Placarding and Placard Visibility	2137-AB75
2167	Amendment of an Operator's Plans or Procedures	2137-AB77

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2168	+ Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program	2137-AB47
2169	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
2170	Odorization of LP Gas	2137-AA25
2171	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2172	Quantity Limitations Aboard Aircraft	2137-AA85
2173	Standards for Construction of Fireworks and Novelties; Approval for Transportation	2137-AB36
2174	Determining the Extent of Corrosion on Exposed Gas Pipelines	2137-AB50
2175	Etiologic Agents; Proposal to Remove the 50 Milliliter Exception	2137-AB56

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2176	+ Requirements for Cargo Tanks	2137-AA42
2177	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
2178	+ Recodification of Explosive Regulations	2137-AA93
2179	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
2180	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
2181	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
2182	Quality Assurance for Radioactive Materials Shippers	2137-AA30
2183	DOT Specification 51 Portable Tanks	2137-AA36
2184	Emergency Response Communication Standards	2137-AA88
2185	Hazardous Materials: Uranium Hexafluoride	2137-AB10
2186	Confirmation or Revision of Maximum Allowable Operating Pressure; Alternate Method	2137-AB20
2187	Rear Bumpers on Cargo Tank Trucks	2137-AB34
2188	Annual Report for Hazardous Liquid Pipelines	2137-AB62
2189	Incorporation by Reference of Portions of American Petroleum Institute Standard 1104, Seventeenth Edition, 1988	2137-AB68
2190	Incorporation by Reference of American Petroleum Institute Specification 5L	2137-AB69
2191	Transportation of Gas and Hazardous Liquids by Pipeline: Reporting Safety-Related Conditions; Discovery of Conditions by Smart Pigs; Enforcement Rules	2137-AB70
2192	Exceptions for Specified Quantities of Radioactive Materials	2137-AB73
2193	Settlements and Compromises of Civil Penalty and Compliance Order Cases	2137-AB76

+ Designates significant regulation.

DOT

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2194	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2195	+ Procedures Governing the Evaluation of Bids for the Carriage of Preferred Cargoes on Subsidized Vessels	2133-AA77

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2196	+ Regulated Transactions Involving Documented Vessels and other Maritime Interests	2133-AA79
2197	Requirements for Conducting Vessel Subsidy Condition Surveys and for Accomplishing Subsidized Vessel Maintenance and Repairs	2133-AA64
2198	Federal Income Tax Aspects of the Capital Construction Fund	2133-AA78
2199	War Risk Insurance	2133-AA81

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2200	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2201	+ Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services; Exclusion of Commercial Cargoes Reserved for U.S.-Flag Carriers	2133-AA66
2202	+ Procedures Relating to the Conduct of Hearings Under the Merchant Marine Act, 1936	2133-AA20
2203	Capital Construction Fund	2133-AA65

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2204	+ Cargo Preference -- Implementation of P.L. 99-198	2133-AA55
2205	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2206	Regulations and Minimum Standards for State, Territorial, or Regional Maritime Academies and Colleges	2133-AA57
2207	Cargo Preference -- U.S.-Flag Vessels; Department of Defense Sponsored and Generated Oceanborne Cargoes	2133-AA69
2208	Approval of Vessel Charters to Noncitizens	2133-AA73
2209	Obligation Guarantees; Technical Amendments	2133-AA80

+ Designates significant regulation.

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Office of the Secretary (OST)

1610. ● + COMPUTER RESERVATION SYSTEM (CRS) RULES: REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 255

Legal Deadline: None

Abstract: The Department intends to conduct a comprehensive review of the regulations governing carrier-owned computer reservations systems (CRS), to determine if they should be continued or if revisions are necessary. This rulemaking is significant because of substantial public and industry interest.

DOT—OST

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Samuel Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW Washington, DC 20590, 202 366-9307

RIN: 2105–AB47

1611. ● + ANTI-ALCOHOL PROGRAM FOR THE TRANSPORTATION INDUSTRY

Significance: Agency Priority

Legal Authority: 49 USC 1657

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The DOT is considering whether additional regulations concerning the use of alcohol by sensitive safety- and security-related personnel in industries regulated by its operating administrations are necessary and, if so, what the scope and focus of any new regulations should be. This proceeding is being conducted to ensure that the Department and its modal administrations have the necessary regulatory tools to respond to the hazards of alcohol use and abuse in transportation.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Neil Eisner, Assistant General Counsel, Office of Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh Street, S.W., Washington, D.C. 20590, 202 366-4723

RIN: 2105–AB52

1612. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA73

1613. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G; ...

Legal Deadline: None

Abstract: After the sunset of the Civil Aeronautics Board on January 1, 1985, the Department became responsible for overseeing the consumer protection regulations applicable to airline passengers. The Department established a task force to review the current regulations and pending rulemaking proceedings to determine what, if any, actions should be taken. The internal analysis was completed and it was determined that no comprehensive report is necessary. In the next year, the Department expects to address the pending rulemaking petitions and either terminate old rulemaking proceedings or issue supplemental notices of proposed rulemakings to update information for rulemakings in which final rules are expected to issue. This entry is terminated because the comprehensive review of the consumer protection rules is now complete.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	
End Review	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William C. Boyd, Senior Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10222, Washington, DC 20590, 202 366-4870

RIN: 2105–AB03

1614. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AB25

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Office of the Secretary (OST)

1615. + COMMERCIAL SPACE TRANSPORTATION: PROCEDURES FOR SETTING FINANCIAL RESPONSIBILITY REQUIREMENTS FOR COMMERCIAL SPACE LAUNCH ACTIVITY

Significance: Regulatory Program

Legal Authority: PL 98-575; PL 100-656, Sec 15(c) to 16 Commercial Space Launch Act

CFR Citation: None

Legal Deadline: None

Abstract: Persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) are required to obtain liability insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to protect the Government when its property or personnel are involved in such operations. The rulemaking sets out the procedures by which OCST would set the appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/31/89

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, Commercial Space Transportation, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AA26

1616. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) extended and modified the program as applied to FHWA and UMTA; similar legislation applied the same requirements to the FAA. The Department issued a final rule to make the STURAA changes in October 1987; a similar rule for FAA programs was published in May 1988. The Department intends subsequently to issue an NPRM that would propose further changes in the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM Interim Amdt. to Final Rule, Pending Revision of Entire Rule	03/12/81	46 FR 16282
Final Action for Interim Amendment	04/27/81	46 FR 23457
Interim Final Rule	10/21/87	52 FR 39225
NPRM	10/02/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81 (46 FR 23457)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA04

1617. + ANTIDRUG PROGRAMS FOR DEPARTMENT OF TRANSPORTATION CONTRACTORS

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC 486(c); 48 CFR 1.301; 48 CFR 1.59

CFR Citation: 48 CFR 1226.7001; 48 CFR 1252.226-70; 48 CFR 34

Legal Deadline: None

Abstract: Consistent with DOT antidrug initiatives for DOT employees and employees of regulated industries, DOT is considering requiring its contractors to establish antidrug programs (including drug testing and employee assistance programs) for employees performing sensitive safety or security functions under DOT contracts. This rulemaking is significant because of substantial public interest and departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for, Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., S.W., Room 10424, Washington, D.C. 20590, 202 366-9306

RIN: 2105–AB40

1618. ● + NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED MASS TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794; 49 USC 1612

CFR Citation: 49 CFR 27

Legal Deadline: NPRM, Judicial. A judicial schedule for the proposed and final rules in this rulemaking will be established by the Federal District Court on remand from the Court of Appeals for the Third Circuit. (cont)

Abstract: This rulemaking is necessitated by an en banc ruling of the U.S. Court of Appeals for the Third Circuit in ADAPT v. Skinner. The court directed DOT to revise its existing rule on this subject consistent with its

DOT—OST

Proposed Rule Stage

opinion that provisions of the present rule were inconsistent with the Department's statutory authority. This rulemaking will incorporate an existing rulemaking concerning nondiscrimination on the basis of handicap in Federally assisted commuter rail programs. (RIN 2105-AB23). This rulemaking is significant because of substantial public interest and Federalism implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: The schedule has not yet been established. The timetable for the rulemaking will be established by the Federal District Court.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AB53

1619. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. A draft NPRM is in the Department of Justice review process.

Timetable:

Action	Date	FR Cite
NPRM	11/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA29

1620. ● TRANSPORTATION ACQUISITION REGULATIONS

Significance: Nonsignificant

Legal Authority: 40 USC 486C

CFR Citation: 48 CFR Ch 12

Legal Deadline: None

Abstract: This rule proposes changes to the Department of Transportation Acquisition Regulations (TAR). These changes add coverage on debarment and suspension and on protests to the agency as well as changes to several internal operating procedures.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/02/89

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Lawrence E. Sawler, Procurement Analyst, Department of Transportation, Office of the Secretary, 400 Seventh St., SW, Washington, DC 20590, **202 366-4287**

RIN: 2105–AB54

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Final Rule Stage

1621. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Regulatory Program

Legal Authority: Section 404(c) of the Federal Aviation Act of 1958, as amended

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: NPRM, Statutory, January 30, 1987.

Abstract: The Civil Aeronautics Board (CAB) had a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. The Department will use comments received in response to its August 1986 information notice on issues affecting blind passengers as part of the record for this rulemaking. The Department convened an advisory committee to pursue the rulemaking through a negotiated process. The negotiations have concluded and an NPRM has been published. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23574
NPRM Comment Period End	09/20/88	
Comment period extended to 12/19/88	09/23/88	53 FR 36997
Final Action	12/15/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/22/88 (53 FR 23574)

DOT—OST

Final Rule Stage

Additional Information: Reply comments were due 01/18/89. A cassette-tape version of the NPRM was made available to blind persons.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA18

1622. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
SNPRM	04/12/83	48 FR 15639
Comment Period End 06/13/83		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/19/82 (47 FR 7443)

Additional Information: Docket 40336. Original NPRM was EDR-439/SPDR 86; SNPRM of 04/12/83 was EDR-456/SPDR-88.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA41

1623. + STATEMENT OF ENFORCEMENT POLICY ON REBATING

Significance: Agency Priority

Legal Authority: 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399.80; 14 CFR 399.85

Legal Deadline: None

Abstract: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
Extension of Comment Period to 02/21/89	02/03/89	54 FR 5497
Correction to Comment Period Document	02/10/89	54 FR 6475

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/21/88 (53 FR 41353)

Agency Contact: Betsy Wolf, Trial Attorney, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, **202 366-9342**

RIN: 2105–AB39

1624. + PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS

Significance: Agency Priority

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This rule codifies drug-testing guidelines developed by the Department of Health and Human Services, adapting them to fit the circumstances of employers regulated by DOT. The Department's substantive drug-testing rules require employers to conduct drug testing in accordance with these procedures. This rulemaking is significant, since it affects several operating administrations and their regulated industries.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/88	53 FR 47002
Interim final rule effective	12/21/88	
Interim final rule public comment end	01/23/89	
Final Action	11/03/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Analysis: Regulatory Evaluation 11/21/88 (53 FR 47002)

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AB42

1625. + ESSENTIAL AIR SERVICE; REDUCTIONS

Significance: Agency Priority

Legal Authority: 49 USC 324; 49 USC 1389; PL 100-457DOT and Related Agencies Appropriations Act, 1989

CFR Citation: 14 CFR 398, (Revision)

Legal Deadline: None

Abstract: Because of the shortfall in FY 1989 appropriations, an NPRM was issued to request comments on various alternatives being considered for reducing essential-service subsidy. However, Congress subsequently amended the appropriation to supply the necessary funds to continue the subsidy payments at their current level. Therefore, further need for rulemaking became unnecessary and this contemplated action will be withdrawn. It was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 50233
NPRM Comment Period End	01/03/89	
To be withdrawn	10/02/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh St. SW., Washington, DC 20590, **202 366-9306**

RIN: 2105–AB43

1626. ● + PRICE ADVERTISING

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380; 14 CFR 399

Legal Deadline: None

Abstract: The Department is proposing to amend its rule and policy statement with respect to air transportation price advertising. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31052
Comment Period Extended to 9/25/89	08/23/89	54 FR 35005
NPRM Comment Period End	08/25/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31052)

Agency Contact: Samuel Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW Washington, DC 20590, **202 366-9307**

RIN: 2105–AB50

1627. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/19/81 (46 FR 5588)

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4754**

RIN: 2105–AA02

1628. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
To be withdrawn	10/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/17/79 (44 FR 28928)

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA03

1629. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal is being withdrawn because of problems concerning legal requirements with changing grant conditions.

DOT—OST

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
To be withdrawn	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kristen Clark, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9669

RIN: 2105–AA08

1630. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
NPRM Comment Period End	01/21/80	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/22/79 (44 FR 60946)

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5992

RIN: 2105–AA09

1631. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: The DOT currently prohibits fares or rates based upon units of time. This proposal would remove these restrictions. The comment period on the NPRM closed on December 13, 1982. In view of the elapsed time, we intend to issue a SNPRM to determine whether there is additional information that should be considered before the Department issues a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47599
NPRM Comment Period End	12/13/82	
SNPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/89

Additional Information: EDR 448, Docket 41034. Formerly entitled: Tariffs; Removal of Requirements for Statements of Fares or Rates Based upon Units of Distance or Time.

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AA39

1632. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: EDR 405, Docket 37169.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA40

1633. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SPDR-74, Docket 36639.

Agency Contact: Robert Ashby, Department of Transportation, Office of

the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA45

1634. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: PS-83, Docket 34684.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105–AA46

1635. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None

Abstract: This proposed rulemaking would have increased the minimum aircraft accident liability insurance limits for U.S. and Canadian on-demand air-taxi operators from $75,000 to $150,000 per person. (The minimum liability per person for other types of air carriers is $300,000.) The NPRM also included alternative proposals. Commenters alleged that small carriers would be adversely affected by the premiums necessary to pay for the proposed higher coverage. As the currently effective rule has not created significant controversy or complaint in recent years, it was determined no alteration to the current rule is necessary, and the proposal will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	02/04/80	45 FR 7566
NPRM Comment Period End	03/12/80	45 FR 7566
SNPRM	10/27/81	46 FR 52585
SNPRM	03/10/83	48 FR 10073
To be withdrawn	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 37531. Original NPRM (02/04/80) was EDR-395; the first SNPRM (10/27/81) was EDR-395B. The second SNPRM (03/10/83) was EDR-395C, and its comment period ended 05/17/83.

Agency Contact: Desta McDowell, Acting Chief, Regulatory Analysis Division, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1056**

RIN: 2105–AA47

1636. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket 41855; PDR 87.

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9154**

RIN: 2105–AA77

1637. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	

DOT—OST

Final Rule Stage

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA78

1638. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements. The Department is evaluating comments received.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PDR-88/ODR-27/PSDR-83.

Agency Contact: Gwyneth Radloff, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9305**

RIN: 2105–AA82

1639. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 41690; EDR-477.

Agency Contact: Timothy Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA84

1640. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: Docket 41971; EDR-474

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA88

1641. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 322(a)

CFR Citation: 49 CFR 18

Legal Deadline: None

Abstract: This rule is being revised to add nongovernmental grantees and to make minor revisions to the current common rule that applies to grants and cooperative agreements to State and local governments. Due to existing statutes and the desire to reduce Federal red tape, DOT does not comply with some sections of the common rule and is proposing deviations from the additional provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

DOT—OST

Final Rule Stage

Analysis: Regulatory Evaluation 11/04/88 (53 FR 44716)

Additional Information: The Federal Agencies published the final common rule on 03/11/88 (53 FR 21816). The Department's proposed amendments to the final rule begin on page 44791 of the November 4, 1988 issue of the Federal Register.

Agency Contact: Charles E. Ventura, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street, S.W., Washington, D.C. 20590, 202 366-4286

RIN: 2105–AB46

1642. ● REFERRAL OF DEBTS TO THE IRS FOR TAX REFUND OFFSET

Significance: Nonsignificant

Legal Authority: 31 USC 3720A

CFR Citation: 49 CFR 89

Legal Deadline: None

Abstract: This regulation establishes procedures that DOT will follow when referring delinquent debts to the IRS for offset against income- tax refund. 31 USC 3720A authorizes such offset and DOT expects considerable recovery of delinquent debts owed the Department.

Timetable:

Action	Date	FR Cite
Final Rule; Request for Comments	07/07/89	54 FR 28680
Reply to Comments	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul B. Larsen, Attorney, Office of General Counsel, Department of Transportation, Office of the Secretary, 400 Seventh Street, S.W., Washington, D.C. 20590, 202 366-9161

RIN: 2105–AB51

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions

1643. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: None

Legal Deadline: None

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. A congressionally mandated study of methods for protecting airline passengers from carrier bankruptcies was released in January 1988. It concluded that facts did not support the need for any mandatory government-imposed system of default protection: Sixty-two percent of tickets are credit card purchases generally refundable under credit laws; some other tickets are protected by private default plans and insurance; nearly half of all tickets are for business rather than personal travel; other airlines frequently honor default-carrier tickets on a standby basis; and airline defaults have declined since 1984. Consistent with the 1988 study findings, Transamerica's petition was denied.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	07/25/84	
Petition Denied	08/15/89	54 FR 33578

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA98

1644. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: This project examined whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs would reduce paper flow, speed up processing, and allow the industry to utilize computers and technology to communicate with DOT. As a result of discussions with an advisory committee, the Department decided to experiment with existing data base and electronic mail systems, to determine their feasibility to meet requirements. The final rule permitted those carriers choosing to file their fares electronically with DOT the option to do so. This rule was considered significant because it involved important departmental policies and was of substantial interest to the industry.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	
Federal Register Notice Advisory Committee established	11/24/86	51 FR 42327
NPRM	07/08/88	53 FR 25615
NPRM Comment Period End	09/06/88	
Reestablishing Advisory Committee	12/29/88	53 FR 52908
Final Action	01/19/89	54 FR 2087

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/08/88 (53 FR 25615)

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AB00

1645. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None

Abstract: Part 252 guarantees airline passengers a right to a seat in the no-smoking section if they check in on time. The Civil Aeronautics Board proposed to require a notice on airline tickets advising passengers about this right. The Department of Transportation (the Board's successor) has terminated this proceeding because subsequent events have greatly reduced the need for such a notice: a recent ban on smoking on flights of two hours or less, as well as greater public awareness concerning the rights of nonsmokers on airline flights.

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	
Withdrawn	08/15/89	54 FR 33580

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: EDR-449, Docket 41009.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA72

1646. + CERTIFICATION OF SPEED-LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None

Abstract: Final rule simplifies the procedure for determining State compliance with Federal law regarding maximum speed limits and determining the amount and timing of any reduction of Federal-aid highway funds to noncomplying States. It also updates the current regulation to reflect statutory changes, describes the reservation of obligational authority if final determination on a State's compliance is not made by the date subsequent apportionments are made, and clarifies provisions as to apportionment of withheld funds to States subsequently in compliance. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7943
NPRM Comment Period End	04/11/88	
Final Action	06/16/89	54 FR 25565
Final Action Effective	07/17/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 06/16/89 (54 FR 25565)

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9307**

RIN: 2105–AB22

1647. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (COMMUTER RAIL PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27, Subpart E

Legal Deadline: None

Abstract: The notice asked comment on several alternatives for providing accessible commuter rail service, or a substitute for it, to disabled persons. The notice also requested information on the likely ridership and cost effects of the alternative approaches suggested in the notice. Studies have been received or are expected to be received in the near future. Final actions being considered include a number of alternatives spelled out in the notice. This rulemaking is considered significant because of substantial public interest and federalism implications; it has now been consolidated into an overall rulemaking entitled "Nondiscrimination on the Basis of Handicap in Federal Assisted Mass Transit Programs" (RIN 2105-AB53).

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 19032
NPRM Comment Period End	09/22/86	
Consolidated into RIN 2105-AB53	08/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AB23

1648. + ESCROW/BOND PROTECTION FOR AIRLINE TICKETS

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A petition, filed by Mr. Theodore Harris, addressed the problem of airline passengers whose airline goes bankrupt after they bought their ticket but before they use it. The petitioner asked that airlines be required to protect such "unearned revenue" by escrowing it or by posting a bond in an amount equal to 150% of average unearned revenue. Exemptions could be granted to airlines which file evidence of ticket insurance plans or which enter into agreements with other airlines to accept the tickets of bankrupt carriers. This rulemaking was considered significant because of substantial public interest. However, a congressionally mandated study of methods for protecting airline passengers from carrier bankruptcies was released in January 1988. It concluded that facts did not support the need for any mandatory government-imposed system of default protection: Sixty-two percent of tickets are credit card purchases generally refundable under credit laws; some other tickets are protected by private default plans and insurance; nearly half of all tickets are for business rather than personal travel; other airlines frequently honor default-carrier tickets on a (cont)

Timetable:

Action	Date	FR Cite
Petition for Rulemaking (Dkt 44304)	08/27/86	
Petition Denied	08/15/89	54 FR 33577

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: standby basis; and airline defaults have declined since 1984. Consistent with the 1983 study findings, Mr. Harris' petition was denied.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AB26

1649. ● REVIEW OF AIR CARRIER AGREEMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1551(a)(6)

CFR Citation: 14 CFR 303

Legal Deadline: None

Abstract: This final rule made editorial revisions to the Department's procedural rules regarding the processing of aviation-related agreements, mergers, interlocking relationships, and requests for antitrust immunity, to reflect the termination of statutory authority for some of the provisions.

Timetable:

Action	Date	FR Cite
Final Action	08/15/89	54 FR 33498
Final Action Effective	09/14/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW Washington, DC 20590, 202 366-9183

RIN: 2105–AB48

1650. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION -- STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None

Abstract: This contemplated action was to set forth requirements and procedures for all State departments of transportation, and consolidate FHWA, FRA, and UMTA responsibilities in this area. However, recently enacted legislation has mooted the need for this rulemaking and it is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105–AA06

1651. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None

Abstract: This rule proposed to end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. The proposal has been withdrawn because it has been mooted by statutory changes with respect to domestic mail rates and the present process for determining international mail rates appears to work well for all concerned.

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM Comment Period End	10/22/79	44 FR 52246
Comment Period End 02/17/81	12/19/80	45 FR 83510
SNPRM	12/19/80	45 FR 83510
Withdrawn	08/15/89	54 FR 33580

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Original NPRM of 09/07/79 was EDR-387/PDR 68, Docket 46497; the SNPRM of 12/19/80 was EDR-387C/PDR-68C.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105–AA44

1652. OVERSEAS MILITARY PERSONNEL AIR-CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None

Abstract: When it "sunsetted," the Civil Aeronautics Board was considering whether to rescind the requirement for operators of Overseas Military Personnel Charters (OMPCs) to file tariffs. This project transferred to DOT. Since Congress eliminated all domestic tariffs effective 1983, this issue is now limited to international service only. OMPC tariff filings have slowed to practically nothing, perhaps as other forms of charters have become more acceptable to foreign governments. There is no immediate need for change in the rule, and this action is being terminated. To the extent the Department considers change to the OMPC charter form itself or to charters in general in the future, the OMPC tariff provision will be dealt with in that broader context.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA67

1653. EFFECT OF EXPIRATION OF A BILATERAL SERVICE AGREEMENT ON FOREIGN AIR-CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. Further review has determined the contemplated change is unwarranted. This contemplated action was withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 24923
NPRM Comment Period End	08/02/83	
Withdrawn	08/15/89	54 FR 33582

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SPDR-89 and SPDR-89A, Docket 41498.

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6412, Washington, DC 20590, 202 366-2388

RIN: 2105–AA68

1654. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Two enforcement policy statements refer to fare discounts not in a carrier's filed tariff. However, the filing of tariffs for domestic fares ended in 1983. DOT considered amending the policy statements to limit them to foreign air transportation, but has now proposed to eliminate them as inconsistent with current rebating enforcement policy, and to replace them with another policy statement described in RIN 2105-AB39. Therefore, RIN AA70 is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA70

1655. CARGO RATE CHANGES ON 30 DAYS' NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None

Abstract: The Department considered amending the regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There were two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff-filing requirements. However, in reviewing the existing liberal pricing policies the Department has implemented to stimulate competition in the marketplace, whereby most changes in fares and rates are made on as little as one day's notice, no need was found to amend the existing rule. Therefore, action on the proposal was terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AA99

1656. EXEMPTION FROM PRIOR-APPROVAL REQUIREMENTS FOR CERTAIN TRANSACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None

Abstract: As the Department's review of the aviation-merger procedural regulations became moot with expiration of the Federal Aviation Act's section 408 on December 31, 1988, this action was withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17490
NPRM Comment Period End	06/12/86	
Withdrawn	08/15/89	54 FR 33581

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Horn, Deputy Assistant General Counsel, for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2972

RIN: 2105–AB20

1657. COUNTING UMTA REDUCED-FARE PROGRAM COSTS TOWARD 504 COST CAP

Significance: Nonsignificant

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27

Legal Deadline: None

Abstract: The Department was considering whether or not to eliminate a provision in its rule concerning mass transit services for disabled persons, which permits incremental expenditures by recipients for the off-peak, reduced-fare program for elderly and handicapped passengers on mainline mass transit services to be counted in the calculation of the three-percent limit on required expenditures. Final action determined that disallowing half-fare program costs in calculating the Part 27 cost gap is more consistent with the Part's intent than continuing to allow these costs. Therefore, the provision was eliminated.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23778
NPRM Comment Period End	08/23/88	
Final Action	07/26/89	54 FR 31039
Final Action Effective	08/25/89	

DOT—OST

Completed Actions

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31039)

Agency Contact: Robert Ashby, Deputy Ass't General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AB29

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Stage

1658. + SUBDIVISION AND DAMAGE STABILITY OF DRY CARGO VESSELS (CGD 87-094)

Significance: Agency Priority

Legal Authority: 46 USC 3301

CFR Citation: 46 CFR 174

Legal Deadline: None

Abstract: This proposal would require dry cargo vessels to meet a minimum standard of subdivision and stability. This rulemaking is significant because of international implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/88	53 FR 11440
ANPRM Comment Period End	01/03/89	
Reopen ANPRM Comment Period	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: Lt. R. Gilbert, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC87

1659. PORT ACCESS ROUTES; APPROACH TO FREEPORT, TEXAS (CGD 87-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: A study of fairway anchorage sites and areas adjacent to the fairway in the approach to Freeport, Texas, has been completed and is being evaluated to determine further action.

Timetable:

Action	Date	FR Cite
Fairway Study Completed	07/02/87	52 FR 25039

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 2nd St., SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC78

1660. PORT ACCESS ROUTES: APPROACHES TO CHESAPEAKE BAY (88-041)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard is conducting a port access route study to determine the need for vessel routing measures in the approaches to Chesapeake Bay, VA. As a result of the study a new or modified traffic separation scheme may be proposed in the Federal Register.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AD09

1661. DISESTABLISHMENT OF VESSEL TRAFFIC SERVICE: NEW ORLEANS (88-056)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This project would eliminate references to the Vessel Traffic Service (VTS) in New Orleans since the VTS has been disestablished.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: It is possible that Congress may direct the Coast Guard to reopen the Vessel Traffic Service for New Orleans. If this happens, this regulatory project will have to be revised or abandoned.

Agency Contact: Mr. J. Sollosi, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0407

RIN: 2115–AD10

1662. CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 43 USC 1333

CFR Citation: 46 CFR Subchapter V

Legal Deadline: None

Abstract: Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore

DOT—USCG **Prerule Stage**

drilling units, Outer Continental Shelf platforms, and deepwater ports.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR M. VanHaverbeke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AD16

1663. ● VESSEL IDENTIFICATION SYSTEM (89-050)

Significance: Nonsignificant

Legal Authority: 46 USC 12501

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Public Law 100-710 requires the Secretary of Transportation to establish a vessel identification system. This proposal would implement the provisions of the Act including an annual fee of $1.00 per vessel to pay for administrative costs.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. C. Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, 202 267-0979

RIN: 2115–AD35

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

U.S. Coast Guard (USCG)

1664. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146; 33 CFR 147

Legal Deadline: None

Abstract: This project would extend coverage of the workplace safety rules and modernize material standards for fixed platforms. It is considered significant because of the need for extensive interagency cooperation.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	06/05/85	50 FR 9290
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/90

Additional Information: CGD 84-098(a)(RIN AC40) Self-Inspection of Fixed OCS Facilities split from CGD 84-098 and completed in 53 FR 18977. CGD 84-098(b)(RIN AC41) titled Offshore Evacuation Procedures separated from CGD 84-098 and completed in 54 FR 21566.

Agency Contact: Mr. J. Magill, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB74

1665. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100

Legal Deadline: None

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to extent practicable. This rulemaking is significant because it is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Further action must await enabling legislation.

Agency Contact: Mr. C. Perry, Project manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AB73

1666. + USER FEES: SMALL PASSENGER AND SAILING SCHOOL VESSELS (CGD 87-020)

Significance: Agency Priority

Legal Authority: PL 99-509

CFR Citation: 46 CFR 169; 46 CFR 175

Legal Deadline: None

Abstract: This proposal would enumerate selected Coast Guard services for which user fees would be charged, indicate how the charges are to be charged, indicate how the charges are to be made, and how they are to be paid. User fees are being considered for the following services to small passenger vessels and sailing school vessels: initial inspection for certification, inspection for certification, reinspection, drydock examination, licensing/certification, and documentation. This project is considered significant because of substantial public interest in the topic of user fees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Formerly entitled Imposition of User Fees for Certain Coast Guard Services; Documentation and Licensing (CGD 87-020).

Agency Contact: Mr. M. Fell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1483

RIN: 2115–AC74

1667. + SPECIAL CARGO REQUIREMENTS FOR BENZENE (88-040)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: This proposal would update the special cargo requirements for benzene. This would include the lowering of permissible exposure limits, addition of requirements for personal protective equipment, measurement of employee exposures, training, and medical surveillance. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Dr. M. Parnarouskis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AD08

1668. + IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)

Significance: Agency Priority

Legal Authority: 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

CFR Citation: 46 CFR 27; 46 CFR 28; 46 CFR 29

Legal Deadline: None

Abstract: The Commercial Fishing Industry Act of 1988 requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Subjects to be addressed by the rulemaking include: navigation, radio, firefighting, and lifesaving equipment, as well as fuel, ventilation, and electrical systems. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM of Consolidated RIN AC34	07/09/87	52 FR 25890
ANPRM Correction of Consolidated RIN AC34	08/10/87	52 FR 29556
ANPRM	12/29/88	53 FR 52735
ANPRM Comment Period End	02/27/89	53 FR 52735
ANPRM Extension of Comment Period	03/02/89	54 FR 8765
NPRM	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 11/00/89

Additional Information: Coast Guard docket 86-024 titled Uninspected Fish-Processing Vessels (RIN AC34) has been incorporated into this project.

Agency Contact: Mr. N. Lemley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0001

RIN: 2115–AD12

1669. + SAFETY STANDARDS FOR VAPOR CONTROL SYSTEMS (88-102)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 33 USC 1225

CFR Citation: 46 CFR Chapter I

Legal Deadline: None

Abstract: This project would establish minimum safety requirements for marine vapor-control systems. The requirements would include design and operating requirements for tank vessels and waterfront facilities using vapor-control systems and qualifications for personnel authorized to operate them. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: LCDR R. Fitch, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Secons Street, S.W., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AD15

1670. TANKERMAN REQUIREMENTS AND QUALIFICATIONS FOR PERSONS-IN-CHARGE OF DANGEROUS LIQUID AND LIQUEFIED GAS TRANSFER OPERATIONS (79-116)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 78; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 154; 46 CFR 97

Legal Deadline: None

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers (STCW), 1978 has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since publication of the NPRM, a supplemental NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
NPRM Comment Period End	03/18/81	
SNPRM	10/00/89	

DOT—USCG **Proposed Rule Stage**

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/18/80 (45 FR 83268)

Additional Information: Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981. Docket 79-116a (RIN 2115-AD18) has been included in this project and will no longer be listed as a separate regulatory agenda item.

Agency Contact: Mr. C. Heizer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115–AA03

1671. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM will address new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
SNPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Additional Information: Docket No. CGD 74-284.

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA08

1672. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
SNPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Additional Information: A related project is listed in this agenda. That project is CGD 78-174b (RIN 2115-AC16), Carriage and Operational Requirements for Inflatable Life Jackets. The Coast Guard is evaluating the comments received on the interim final rule.

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA29

1673. LAUNCHING DEVICES FOR INFLATABLE LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None

Abstract: This project would establish standards, procedures, and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms. A supplemental NPRM will be issued to reflect changes in the scope of this project.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	
SNPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Agency Contact: LCDR Deno, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA45

1674. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None

Abstract: This action will revoke an obsolete provision and make several editorial changes. Upon further analysis, it has been determined that an SNPRM be issued to propose incorporating a recent amendment to Underwriters Laboratories (UL) Standard 1123 by reference in lieu of prescribing the specific text that PFD manufacturers must include in PFD information pamphlets.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606
SNPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/82 (47 FR 15606)

Additional Information: Docket No. CGD 81-023.

Agency Contact: Mr. C. Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AA58

DOT—USCG

Proposed Rule Stage

1675. POLLUTION-PREVENTION REGULATIONS FOR TANKERS: GENERAL REVISIONS OF 33 CFR 157 (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: This project would amend pollution regulations to clarify them, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. S. Shapiro, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AA83

1676. OUTER CONTINENTAL SHELF FACILITIES: AIDS TO NAVIGATION (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Additional Information: Formerly entitled Aids to Navigation on Outer Continental Shelf.

Agency Contact: Mr. C. B. Mosher, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AA92

1677. SAFETY STANDARDS FOR NEW SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: This proposal would update standards for ships carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mrs. D. Anderson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA95

1678. FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193

Legal Deadline: None

Abstract: The purpose of this proposal is to bring into agreement the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments and Coast Guard regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 06/00/90

Additional Information: Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate Solas 1974.

Agency Contact: Ms. M. Murtagh, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AB36

1679. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS -- INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None

Abstract: This project would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/00/90

Agency Contact: LCDR P. Richardson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AB41

1680. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801 to 1812

CFR Citation: 46 CFR 64; 46 CFR 98.30; 46 CFR 98.33; 46 CFR 98.35

Legal Deadline: None

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AB69

1681. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: Mr. K. Heinz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB70

1682. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/00/90

Additional Information: The Maritime Safety Committee (MSC) of the International Maritime organization adopted a revised action on the Mobile Offshore Drilling Code in March 1989. Final draft of the NPRM herein will be based on this code.

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB88

1683. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/90

Agency Contact: Mr. T. Felleisen, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AB92

1684. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None

Abstract: Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to take 5 days and cost about $800.00 per student.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 53316
ANPRM Comment Period End	12/23/85	
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/00/90

Agency Contact: Mr. F. Flyntz, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

DOT—USCG

Proposed Rule Stage

Second Street, SW, Washington, DC 20593-0001, 202 267-0214

RIN: 2115–AB99

1685. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 7301; 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 12; 46 CFR 15; 49 CFR 1.46

Legal Deadline: None

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended to 08/01/85	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation

Agency Contact: LCDR M. Wilson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC02

1686. GULF INLAND WATERWAY REGULATED NAVIGATION AREA (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: Contemplated action would revise and update the inland waterways navigation regulations for the Gulf Intracoastal Waterway from St. Marks, Fla. to the Rio Grande River. Certain frequently granted exemptions regarding length and width of tows would be incorporated into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 07/00/90

Additional Information: Formerly titled: Exemptions to Gulf Inland Waterway Regulations.

Agency Contact: Mr. R. Robertson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AC03

1687. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Agency Contact: Mr. Thomas Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC20

1688. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160; 46 CFR 35 to 20

Legal Deadline: None

Abstract: Proposal would update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LTJG C. DeLeo, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC30

1689. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
Notice	12/29/86	51 FR 46972
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: Mr. P. Cojeen, Naval Architect, Department of

Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC37

1690. SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: The purpose of this proposal is to establish Coast Guard approval requirements for lifeboats and rescue boats which will meet the 1974 Safety of Life at Sea Convention as amended in 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC47

1691. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Consolidated RIN AA50

ANPRM 06/29/81 (46 FR 33341)
NPRM 01/11/85 (50 FR 7558)

Consolidated RIN AA57

ANPRM 08/14/86 (51 FR 29117)
Public Meeting 12/22/86 (51 FR 45783)

RIN AA50

Comment Period Extended to 10/14/85 07/05/85 (50 FR 27628)
Comment Period Extended to 01/10/86 09/09/85 (50 FR 36639)

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/90

Additional Information: Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113) RIN AA50, and Servicing Inflatable Liferafts (CGD 81-010) RIN AA57.

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC51

1692. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	52 FR 31786
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. A final rule was published under docket number 87-031a (RIN 2115-AC91) on 22 July 1988 (53 FR 27686).

Agency Contact: LCDR W. C. Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1181

RIN: 2115–AC68

1693. ● FISHING VESSEL EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBS) (87-016)

Significance: Nonsignificant

Legal Authority: 46 USC 4102

CFR Citation: 46 CFR 25; 46 CFR 26

Legal Deadline: None

Abstract: As a result of the passage of Public Law 100-540, EPIRBs will be required on each manned uninspected vessel operating on the high seas or beyond three miles from the coast line of the Great Lakes. On August 17, 1988 the Coast Guard published a rule to require EPIRBs on certain fishing vessels. This rule extends the requirements of the August 17th rule as required by P.L. 100-540.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: LCDR Dene, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-7144

RIN: 2115–AC69

1694. REGATTAS AND MARINE PARADES (CGD 87-087)

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100.15

Legal Deadline: None

Abstract: This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit

applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
SNPRM	05/00/90	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 02/04/88 (53 FR 3221)

Agency Contact: Mr. Carlton Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AC84

1695. SMALL PASSENGER VESSEL MANNING AND PERSONNEL QUALIFICATIONS (85-080A)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 49 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15; 46 CFR 185; 49 CFR 1.46

Legal Deadline: None

Abstract: This proposal would require small passenger vessels to be manned by crew members who are trained specifically for this type of vessel and the service in which it is used.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: LCDR M. Wilson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC93

1696. LIFEBOAT, LIFERAFT AND RESCUE BOAT APPROVAL REQUIREMENTS - SOLAS 74/83 (85-201A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 160; 46 CFR 161; 46 CFR 162; 46 CFR 164

Legal Deadline: None

Abstract: This project would revise approval requirements for position-indicating lights, coated cloth, foam buoyancy material and laminating resin used for survival craft and lifesaving equipment to meet the requirements of the international Safety of Life at Sea (SOLAS) convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115–AC94

1697. DOCUMENTATION OF VESSELS - CONTROLLING INTEREST (88-031)

Significance: Nonsignificant

Legal Authority: PL 100-239

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 requires that for any United States-built vessel to be eligible for a fishery license the controlling interest in any corporation which owns the vessel must be owned by individuals who are citizens of the United States. This project would implement the provisions of the Act. Based on comments received, the scope of this project has been expanded to include a complete revision of 46 CFR 67.03 which explains citizenship requirements for vessel documentation.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41211
NPRM Comment Period End	11/21/88	
SNPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/20/88 (53 FR 41211)

Agency Contact: LCDR Bruce, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AC99

1698. MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 46 CFR 148

Legal Deadline: None

Abstract: This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice For Solid Bulk Cargoes.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18308
ANPRM Comment Period End	06/27/89	
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mrs. D. Anderson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 29593-0001, 202 267-1217

RIN: 2115–AD02

DOT—USCG

Proposed Rule Stage

1699. PRIVATE ELECTRONIC AIDS TO MARITIME NAVIGATION (88-011)

Significance: Nonsignificant

Legal Authority: 14 USC 85

CFR Citation: 33 CFR 66; 33 CFR 164

Legal Deadline: None

Abstract: This proposal would amend the regulations on private aids to navigation by removing a restriction precluding the Coast Guard from permitting certain private electronic aids to navigation. The rulemaking might also amend regulations pertaining to vessels required to carry an electronic position-fixing device.

Timetable:

Action	Date	FR Cite
ANPRM	07/22/88	53 FR 27708
ANPRM Comment Period End	12/02/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After reviewing the comments received on the ANPRM, the Coast Guard is considering changing the scope of the original project.

Agency Contact: LCDR K. Hay, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0298

RIN: 2115–AD04

1700. INCORPORATION AND ADOPTION OF INDUSTRY STANDARDS (88-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1321j; 46 USC 3306; 46 USC 3703

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would consist of a review of 33 CFR and 46 CFR and incorporate American Society of Testing and Materials (ASTM) standards or adopt the ASME Code as appropriate in place of the regulations. The regulations for these items currently in Subchapter Q would be deleted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/90

Additional Information: The rulemaking on fire detection and alarm systems (RIN 2115-AC13) has been consolidated into this project.

Agency Contact: Mr. S. Irvin, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD05

1701. REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS GASES (88-049)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126; 33 CFR 127

Legal Deadline: None

Abstract: This project would develop requirements for marine terminals transferring bulk liquefied hazardous gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

Timetable:

Action	Date	FR Cite
ANPRM	09/28/88	53 FR 37792
ANPRM Comment Period End	11/28/88	
NPRM	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 03/00/90

Agency Contact: Mr. G.W. Chappell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD06

1702. AUTOMATIC AUXILIARY BOILERS (88-057)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 63; 46 CFR 52; 46 CFR 61

Legal Deadline: None

Abstract: This proposal would clarify the scope and applicability of Part 63, increase safety by preventing an increase in the air flow to a boiler's furnace immediately after an emergency trip, and substitute an industry consensus standard for existing requirements where an equivalent level of safety is provided. The time required for design approvals will be reduced by eliminating several administrative and plan review procedures. The end result should be an overall reduction in costs without compromising safety.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mr. R. Crenwelge, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD11

1703. ACCESS DOCUMENTS TO WATERFRONT FACILITIES (88-097)

Significance: Nonsignificant

Legal Authority: EO 10277

CFR Citation: 33 CFR 125

Legal Deadline: None

Abstract: This proposal would reemphasize the Port Security Card as an access control document rather than a personal identification document.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

DOT—USCG

Proposed Rule Stage

Agency Contact: LCDR Neill, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, **202 267-0475**

RIN: 2115–AD14

1704. ADVANCE NOTICE OF ARRIVAL; WARSAW PACT NATIONALS (88-104)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: This regulation would require advance notice to the Captain of The Port (COTP) of the presence on board certain entering vessels of any Warsaw Pact national or Non-Entrant National crew member. Such notice would enable the COTP to take appropriate measures for the removal or restriction of the crew member(s) as necessary for the protection of the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: LCDR C. Crampton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20590-0001, **202 267-0491**

RIN: 2115–AD17

1705. REGULATED NAVIGATION AREAS; BROWNSVILLE SHIP CHANNEL (8-89-01)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: In recent years the port of Brownsville, Texas, has experienced several casualties involving vessels to be scrapped. This proposal would limit the possibility of future casualties by requiring advance notice of arrival and inspection for watertight integrity and the presence of hazardous gas.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Lt. Garner, Project Manager, Department of Transportation, U.S. Coast Guard, U.S.C.G. Marine Safety Office, P.O. Box 1621, Corpus Christi, TX 78403-1621, **512 888-3192**

RIN: 2115–AD21

1706. ● IMPLEMENTATION OF THE SHORE PROTECTION ACT OF 1988 (89-014)

Significance: Nonsignificant

Legal Authority: 33 USC 2602

CFR Citation: 33 CFR 151

Legal Deadline: Final, Statutory, June 15, 1989.
See discussion above.

Abstract: The Shore Protection Act of 1988 (33 USC 2501 et seq.) prohibits vessels from transporting municipal and commercial waste unless they have a permit and display a number. The Act requires the permit and number 240 days after enactment. This interim rule implements these provisions of the Act and requests comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/89	54 FR 22546
Correction to Interim Final Rule	06/05/89	54 FR 24078
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/24/89 (54 FR 22546)

Additional Information: Permits issued under the procedures outlined in the interim rule are conditional permits which are valid for up to 18 months and may be withdrawn by the Coast Guard for reasons specified in the interim rule. An NPRM will be published detailing procedures for application and issuance of regular permits. The NPRM will also propose regulations implementing the suspension and revocation provisions of the Act. The interim rule was effective upon publication in the Federal Register 05/24/89.

Agency Contact: LT J. McDowell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-0491**

RIN: 2115–AD23

1707. ● AMENDMENT OF ANNEXES TO INLAND NAVIGATION RULES (89-024)

Significance: Nonsignificant

Legal Authority: 33 USC 2071

CFR Citation: 33 CFR 84; 33 CFR 87

Legal Deadline: None

Abstract: This proposal would amend the Annexes to the Inland Navigation Rules. The proposed changes would conform the regulations to the International Rules (72 COLREGS) which become effective on November 19, 1989. The changes are minor. They clarify the proper location for measuring the vertical positioning of lights and allow use of optional radio systems in distress situations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mr. P. Palmer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, **202 267-0406**

RIN: 2115–AD28

1708. ● USER FEES FOR VESSEL DOCUMENTATION (89-007)

Significance: Nonsignificant

Legal Authority: 31 USC 9701

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: This project proposes establishing user fees for documenting commercial vessels. In addition, it proposes revising existing fees for documentation of recreational vessels to reflect the actual cost of services provided.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: LCDR Russell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC20593-0001, 202 267-0786

RIN: 2115–AD29

1709. ● RECORDING OF INSTRUMENTS--VESSEL DOCUMENTATION (89-008)

Significance: Nonsignificant

Legal Authority: 46 USC 313

CFR Citation: 46 CFR 67

Legal Deadline: None
PL 100-710 has staggered requirements, several are effective in January 1989 while others are effective in January, 1990.

Abstract: The objective of this project is to bring existing regulations into conformity with law. PL 100-710 requires certain changes to existing regulations, such as eliminating requirements to present the vessel document for endorsement of mortgages. These changes are unequivocal and were effective on January 1, 1989. In addition, this proposal would implement requirements of the law which become effective in 1990.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: Mr. T. Willis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, 202 267-1492

RIN: 2115–AD30

1710. ● DOCUMENTATION OF VESSELS-HAILING PORT (89-026)

Significance: Nonsignificant

Legal Authority: 46 USC 12502

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: Current regulations limit permissible hailing ports to the home port. Public response to these regulations shows that they are too restrictive. As a result, the Coast Guard is proposing to change the regulations to permit the designation of virtually any recognized place name in the United States as a hailing port.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: LCDR Bruce, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, 202 267-1492

RIN: 2115–AD32

1711. ● INCORPORATION OF NEW SOLAS AMENDMENTS ON STABILITY (89-037)

Significance: Nonsignificant

Legal Authority: 46 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115; 50 USC 198

CFR Citation: 46 CFR 171

Legal Deadline: Final, Statutory, April 29, 1990.

Abstract: This project proposes incorporating into the stability regulations for all inspected U.S. flag vessels the requirements of recently adopted amendments to the Safety of Life at Sea (SOLAS) Convention of 1974. The amendments come into force on April 29, 1990. The amendments involve stability after damage, draft indicators, stability information, and the closing of cargo doors before going to sea.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: Ms. P. Carrigan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, 202 267-2967

RIN: 2115–AD33

1712. ● STABILITY REGULATIONS--GENERAL REVISION OF SUBCHAPTER S (89-038)

Significance: Nonsignificant

Legal Authority: 46 USC 1333; 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 170 to 174

Legal Deadline: None

Abstract: This project proposes general editorial changes to the stability regulations to correct errors and clarify meaning. No substantive revisions are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: Lt. Brown, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, 202 267-2988

RIN: 2115–AD34

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1713. + OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Regulatory Program

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: These regulations would consolidate existing Offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be included. Because of public interest in certain aspects of this proposal, it has been classified as significant.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631
ANPRM Comment Period End	06/14/83	48 FR 6636
ANPRM of consolidated RIN AC63	04/16/87	52 FR 12439
NPRM	05/09/89	54 FR 20006
NPRM Comment Period End	09/06/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/09/89 (54 FR 20006)

Additional Information: Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project.

Agency Contact: LCDR M. Rosecrans, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-2997**

RIN: 2115–AA77

1714. + TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard has conducted the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway. This project is considered significant because of public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/27/89	54 FR 18258
Correction Notice	05/10/89	54 FR 20235
Announcement of Public Hearings	06/01/89	54 FR 23493
NPRM Comment Period End	07/26/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 04/27/89 (54 FR 18258); Environmental Assessment 04/27/89 (54 FR 18258)

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking involves coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AB29

1715. + HAZARDOUS MATERIALS POLLUTION PREVENTION: BULK LIQUIDS (86-034)

Significance: Regulatory Program

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 126; 33 CFR 154; 33 CFR 155; 33 CFR 156

Legal Deadline: None

Abstract: This Project would apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances. Although previously not categorized as significant, further analysis has determined this rulemaking to be significant because of safety and environmental considerations. Based on comments received, an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22118
NPRM Comment Period End	09/12/88	
SNPRM	06/09/89	54 FR 24718
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/13/88 (53 FR 22118); Environmental Evaluation 06/13/88 (53 FR 22118)

Additional Information: Former title: Hazardous Substances Pollution Prevention.

Agency Contact: Mr. G. W. Chappell, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, **202 267-0491**

RIN: 2115–AC29

1716. + LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Agency Priority

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 15.812; 46 CFR 10.700

Legal Deadline: None

Abstract: This proposal would: (1) delineate when certain inspected vessels are required to be under the direction and control of a pilot, (2) describe first class pilotage areas where local pilotage expertise is warranted, (3) allow licensed individuals to serve as pilot in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control,

and (4) permit individuals with 5 years experience on towing vessel combinations of at least 5,000 gross tons while acting under the authority of a license as master, mate, or operator of uninspected towing vessels, with a minimum of 2 of the 5 years having been on towing vessels combinations of at least 10,000 gross tons, to obtain without a written examination, an endorsement as first class pilot, restricted to tug and barge combinations only, for those routes over which they have made the required number of round trips. This action is considered significant because of public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM Supplemental	06/06/88	53 FR 20654
SNPRM Withdrawn	08/11/89	54 FR 33045

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Additional Information: This proposal has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106. The Coast Guard has initiated a comprehensive study of pilotage issues and has requested public comment in 54 FR 31136. Future action will depend on analysis of the study.

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0217**

RIN: 2115–AB67

1717. + LIFESAVING EQUIPMENT--IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Agency Priority

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	04/21/89	54 FR 16198
NPRM Comment Period End	08/21/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/21/89 (54 FR 16198)

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-1444**

RIN: 2115–AB72

1718. + LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project makes provision for the licensing of officers on mobile offshore drilling units and establishes manning standards for these vessels. This action is considered significant because of substantial public interest. Based on comments received, an SNPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38660
Suspended Effective Date of Interim Final Rule	02/28/89	54 FR 8334
SNPRM	05/17/89	54 FR 21246
Comment Period Closed	06/16/89	
Extension of Comment Period	06/20/89	54 FR 25881
Second SNPRM Comment Period Closed	07/31/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/16/87 (52 FR 38660)

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Maritime Personnel, which has been published as a final rule under RIN 2115-AA64 (54 FR 125). The interim final rule effective date was suspended because the comments received indicated substantive revisions to the rule were necessary.

Agency Contact: LCDR Jenkins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0224**

RIN: 2115–AB91

1719. + PREVENTION OF POLLUTION BY PLASTICS, ANNEX V OF MARPOL(88-002)

Significance: Agency Priority

Legal Authority: PL 100-220

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None

Abstract: This proposal would implement Annex V of the International Convention for the Prevention of Pollution by Ships, 1973. The Act to Prevent Pollution from Ships, as amended by Title II of P. L. 100-220, requires the Secretary to administer and enforce the annex. The Act would reduce the incidence of discharges of plastics, including synthetic fishing nets and other ship-generated garbage, into the oceans. This rulemaking is

significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/88	53 FR 23884
ANPRM Comment Period End	07/25/88	
NPRM	10/27/88	53 FR 43622
Notice of Public Hearing	10/27/88	53 FR 43622
Correction to NPRM	11/04/88	53 FR 44617
NPRM Comment Period End	11/28/88	
Interim Final Rule	04/28/89	54 FR 18384
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/28/89 (54 FR 18384); Environmental Evaluation 04/28/89 (54 FR 18384)

Additional Information: Comments on the Interim Final Rule are due by 12/31/89.

Agency Contact: LCDR C. Crampton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC89

1720. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: Would permit self-propelled hopper dredge to load to a deeper draft (working freeboard). Only dredges desiring working freeboard must comply. This project would also establish requirements for load lines and stability.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	12/14/87	52 FR 47422
SNPRM	02/22/88	53 FR 5200
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: Mr. W. Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AA11

1721. DEALER AND FIRST-PURCHASER LIST (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
SNPRM	05/29/87	52 FR 20115
Comment Period Extended	12/17/87	52 FR 47950

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/87 (52 FR 47950)

Additional Information: As a result of a substantial number of negative comments on the SNPRM and a substantially larger estimated annual burden on the public, the Coast Guard is looking for other ways to accomplish the objectives of the regulatory project. The next action will consist of a third SNPRM or initiation of a new regulatory project. Future action on the proposal is now dependent upon Coast Guard implementation of the Vessel Identification System under Public Law 100-710. The former title of this project was Defect Notification and First-Purchaser Information.

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115–AA16

1722. STANDARDS FOR VESSEL PIPING SYSTEMS (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56

Legal Deadline: None

Abstract: This action would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards. An SNPRM was issued to include clarifying language and to delete the manufacturers' affidavit system.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extended	03/21/85	50 FR 11397
SNPRM	05/18/88	53 FR 17868
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Additional Information: Docket No. CGD 77-140. Formerly entitled Miscellaneous Changes to 46 CFR 56 and, subsequently, Vessel Piping Systems.

Agency Contact: LCDR P. Richardson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AA17

DOT—USCG

Final Rule Stage

1723. OFFSHORE CRANES: STANDARDS AND OPERATOR QUALIFICATIONS (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	08/15/86	51 FR 21378
To be withdrawn	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Additional Information: The Coast Guard had been exploring the possibility of regulating cranes on offshore platforms. However, as Minerals Management Service will be responsible for regulations in this area, the Coast Guard will publish a withdrawal notice for this proposal.

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AA34

1724. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Legal Deadline: None

Abstract: This proposal would establish the general bridge-permit program. There is an initiative to transfer the Bridge Program to the Corps of Engineers. If the Corps agrees and the Congress approves, the program will be transferred.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Additional Information: This project is inactive pending a decision on the transfer of the Bridge program from the Coast Guard to the Corps of Engineers.

Agency Contact: Ms B. Gallahan, Chief, Bridge Permits Branch, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0368

RIN: 2115–AA61

1725. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/90: 300.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AA97

1726. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/90.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AA98

1727. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None

Abstract: This proposal incorporates the National Fire Protection Association's standards for liquefied flammable gas and compressed natural gas as cooking fuels on passenger vessels. The Association's standards include wood and coal stoves which were not mentioned in the NPRM for this project. An Interim Final Rule invited comments on the standards for wood and coal stoves.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Interim Final Rule	02/10/89	54 FR 6396
Final Action	01/00/90	

Small Entities Affected: None

DOT—USCG

Final Rule Stage

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Additional Information: Docket No. CGD 83-013.

Agency Contact: LCDR VanHaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB35

1728. OIL POLLUTION PREVENTION, MARPOL ANNEX I (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
NPRM Comment Period End	03/24/86	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/90

Additional Information: Formerly entitled MARPOL Pollution Prevention Regulations.

Agency Contact: CDR David Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0421

RIN: 2115–AC11

1729. PERFORMANCE STANDARDS AND APPROVAL PROCEDURES FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None

Abstract: This project would establish approval and operating requirements for inflatable life jackets. Their use would be optional.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
NPRM Comment Period End	07/15/85	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; Establishment of Approval Requirements (78-174) (RIN: 2115-AA29), which was published as an interim final rule (50 FR 33923). The former title of the rulemaking herein was Carriage and Operational Requirements for Inflatable Life Jackets (CGD 78-174b).

Agency Contact: Mr. Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC16

1730. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151; 46 CFR 54; 46 CFR 98

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations that govern internal inspection and hydrostatic test intervals for pressure vessel cargo tanks on barges that transport liquefied gaseous cargoes and grade A flammable liquids.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	09/08/87	52 FR 33841
Comment Period Extended to 03/07/88	12/01/87	52 FR 45665
NPRM Comment Period End	03/07/88	52 FR 45665
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/08/87 (52 FR 33841)

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC18

1731. SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175 to 185; 46 CFR 170; 46 CFR 171; 46 CFR 173

Legal Deadline: None

Abstract: This rulemaking would revise Subchapters "S" and "T" to reflect statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4412
Comment Period Extended and Notice of Hearings	04/26/89	54 FR 17997
Notice of Public Hearing Change	05/25/89	54 FR 22608
NPRM Comment Period End	05/30/89	
SNPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

DOT—USCG

Final Rule Stage

Analysis: Regulatory Evaluation 01/30/89 (54 FR 4412)

Additional Information: On April 26, 1989, the Coast Guard published notice of six public hearings and extended the comment period to July 31, 1989.

Agency Contact: LCDR W. Cummins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC22

1732. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None

Abstract: Proposal would revise the approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48557
NPRM Comment Period End	01/17/89	53 FR 48557
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC32

1733. CARGO LISTS AND TABLES UPDATE (CGD 88-100 AND 88-100A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u); 46 CFR 30; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154

Legal Deadline: None

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action. Notices for this rule are anticipated in Jan./Feb. of each year. Final rules to be completed prior to September 30 of each year: 1.

Timetable:

Action	Date	FR Cite
Final Rule	06/04/87	52 FR 21036
NPRM	12/05/88	53 FR 49016
NPRM Comment Period End	01/19/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/05/88 (53 FR 49016)

Additional Information: Former regulation title: Noxious Liquid Substances Lists (CGD 88-100a; Bulk Hazardous Materials (CGD 88-100)(53 FR 49018). The RIN AC35 is used for both entries in the Federal Register.

Agency Contact: Dr. M. Parnarouskis/Mr. Payne, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC35

1734. GUIDELINES ON NAVIGATION BRIDGE VISIBILITY (85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	03/24/89	54 FR 12241
NPRM Comment Period End	07/24/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/24/89 (54 FR 12241)

Additional Information: Formerly entitled Navigation Bridge Visibility.

Agency Contact: Ens. E. McMillen, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0362

RIN: 2115–AC42

1735. TONNAGE MEASUREMENT OF VESSELS (87-015B)

Significance: Nonsignificant

Legal Authority: 46 USC 14102; 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: This project would establish the International Convention on Tonnage Measurement of Ships, 1969, as the primary tonnage measurement system for measuring vessels of 79 feet and longer. The project will also extend simplified measurement to all vessels of less than 79 feet in length and eliminate all vessels of 79 feet in length and over from being measured under the simplified system.

Timetable:

Action	Date	FR Cite
NPRM	04/26/89	54 FR 17968
Correction Notice	05/12/89	54 FR 20670
NPRM Comment Period End	06/26/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/26/89 (54 FR 17968)

Additional Information: Formerly entitled Measurement of Vessels.

Agency Contact: Mr. Dennis Lamont, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

Second St., SW, Washington, DC 20593, 202 267-2992

RIN: 2115–AC67

1736. ALTERNATIVE PROVISIONS FOR REINSPECTIONS OF OFFSHORE SUPPLY VESSELS IN FOREIGN PORTS (CGD 82-004A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 91

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations concerning the reinspection of offshore supply vessels (OSVs) in foreign ports. Currently OSVs holding two year certificates of inspection are reinspected between the 10th and 14th month of the certificate's period. In recent years, more OSVs have been based overseas in remote locations. Vessel owners must reimburse the Coast Guard for inspector travel and per diem costs in connection with foreign inspections. This action would propose an alternative to the traditional Coast Guard mid-period reinspection. The benefits would be flexibility and financial savings to the OSV industry and more effective use of Coast Guard resources.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17477
NPRM Comment Period End	08/15/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17477)

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC86

1737. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)

Significance: Nonsignificant

Legal Authority: 50 USC 191; 33 USC 1231

CFR Citation: 33 CFR 6

Legal Deadline: None

Abstract: Following the 1986 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule would delegate that authority to the Area Commanders. Since this proposal deals with agency procedure, it will be issued as a rule with no notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Further action on this project is suspended pending signature of amended Executive Order No. 10637, which allows this delegation of authority.

Agency Contact: LCDR C. Crampton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0489

RIN: 2115–AC88

1738. ANCHORAGE REGULATIONS (86-079)

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035

CFR Citation: 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This proposal would update the anchorage regulations by removing non-regulatory, obsolete or duplicative language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110 - Special Anchorage Areas and Part 111 - Anchorage Grounds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	
SNPRM Expanding Revisions - Comments by 02/03/89	12/05/88	53 FR 48935
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7949)

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC96

1739. AIDS TO NAVIGATION SYSTEM, REMOVAL OF REFERENCES (88-018)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233; 43 USC 1333(d)

CFR Citation: 33 CFR 62

Legal Deadline: None

Abstract: This project would remove parenthetical references now in the regulations to an old color scheme which is no longer used.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/90

Agency Contact: LTJG Favero, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AC97

1740. CIVIL APPEALS PROCEDURES (88-033)

Significance: Nonsignificant

Legal Authority: 5 USC 552; 14 USC 633

CFR Citation: 46 CFR 1

Legal Deadline: None

Abstract: In order to reduce repetitive sections and improve clarity, this project would add an "Appeals" section

in Part 1 of Chapter I and delete other civil appeals sections.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/90

Agency Contact: Lt. M. Raber, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001], 202 267-2997

RIN: 2115–AD00

1741. CARGO GEAR INSPECTION AND TESTING (87-089)

Significance: Nonsignificant

Legal Authority: 46 USC 170; 46 USC 363; 46 USC 367

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91

Legal Deadline: None

Abstract: This project would change the quadrennial cargo gear inspection and testing interval to five years. Improvements in material have been recognized worldwide and other nations have gone to a five-year interval.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5642
NPRM Comment Period End	04/07/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/06/89 (54 FR 5642)

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AD03

1742. WRITTEN WARNINGS BY COAST GUARD LAW ENFORCEMENT OFFICIALS (88-074)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: This proposal would clarify which Coast Guard Officials may issue written warnings for violations of statutes and regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: CDR M. Perane, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0014

RIN: 2115–AD13

1743. GREAT LAKES PILOTAGE REGULATIONS (88-111)

Significance: Nonsignificant

Legal Authority: 46 USC 6101; 46 USC 7701; 46 USC 8105; 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401; 46 CFR 403

Legal Deadline: None

Abstract: In December of 1988 the Department of Transportation completed a study of the Great Lakes Pilotage System. The Secretary has approved the study and its recommendations for improving the system. This proposal would implement those recommendations.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	54 FR 11930
NPRM Comment Period End	05/22/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/22/89 (54 FR 11930)

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AD19

1744. SUMMONS IN LIEU OF SEIZURE OF COMMERCIAL FISHING-INDUSTRY VESSELS (CGD 89-003)

Significance: Nonsignificant

Legal Authority: 14 USC 633; 49 USC 322

CFR Citation: 33 CFR 1

Legal Deadline: Final, Statutory, February 16, 1989.
Section 6079 of the Act (Anti-Drug Abuse Act of 1988, PL 100-690) provides that regulations shall be prescribed by not later than 90 days after enactment of the act.

Abstract: Section 6079 of the Anti-Drug Abuse Act of 1988 (PL 100-690) requires the Secretary of Transportation to prescribe joint regulations with the Secretary of the Treasury which would provide for issuance of a summons to appear in lieu of seizure of a commercial fishing-industry vessel for violations involving the possession of personal-use quantities of a controlled substance. This proposal would implement that requirement.

Timetable:

Action	Date	FR Cite
NPRM	04/10/89	54 FR 14250
NPRM Comment Period End	05/10/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/10/89 (54 FR 14250)

Agency Contact: Cdr. G. Gallion, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1534

RIN: 2115–AD20

1745. ● UNITED STATES AIDS TO NAVIGATION SYSTEM (88-018)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233

CFR Citation: 33 CFR 62

Legal Deadline: None

Abstract: The Coast Guard has completed conversion of all aids in the U.S. Aids of Navigation System to harmonize with the International Association of Lighthouse Authorities Maritime Buoyage System. The rule will

DOT—USCG

Final Rule Stage

make minor editorial changes and remove parenthetical references.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: LTjg Faveri, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AD36

1746. ● AMENDMENTS TO THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA (89-067)

Significance: Nonsignificant

Legal Authority: 33 USC 1607

CFR Citation: 33 CFR 81

Legal Deadline: None

Abstract: On June 27, 1989, the President proclaimed the 1987 amendments to the regulations of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), will enter into force for the United States on November 19, 1989. This rule will publish the President's proclamation and revise the text of the 72 COLREGS to include the 1987 amendments.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: Mr. P. Palmer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AD37

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

1747. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This rule implements an agreement for a cooperative vessel traffic management system in the Pacific region. This rulemaking is significant because of international considerations.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433
NPRM Comment Period End	10/03/83	
Final Action	04/17/89	54 FR 15173
Final Action Effective	04/24/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/17/89 (54 FR 15173)

Agency Contact: Lt. J. Sollosi, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0407

RIN: 2115–AA39

1748. + OFFSHORE EVACUATION PROCEDURES (84-098(B))

Significance: Agency Priority

Legal Authority: 43 USC 1333(d); 43 USC 1348(c); 43 USC 1356

CFR Citation: 33 CFR 140; 33 CFR 146

Legal Deadline: Final, Statutory, September 1, 1987.
Omnibus Budget Reconciliation Act of 1986 (PL 99-509)

Abstract: This rule requires evacuation procedures for all Outer Continental Shelf (OCS) facilities on the U.S. OCS. It applies to MODUs, both foreign and U.S.-flag; Fixed Platforms and Floating Facilities. Any designated standby vessel used as part of a plan would have to meet specific equipment requirements. This action was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Comment Period Extended to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	06/05/85	
NPRM	12/24/87	52 FR 48717
NPRM Comment Period End	01/25/88	
Final Action	05/18/89	54 FR 21566
Final Action Effective	06/19/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/18/89 (54 FR 21566)

Additional Information: CGD 84-098(b) Offshore Evacuation Procedures for OCS facilities separated from CGD 84-098, RIN AB74. Information collection requirements became effective upon publication in the Federal Register 08/11/89 (54 FR 32971).

Agency Contact: LCDR A. Dupree, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AC41

1749. ● + PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 46 USC 7701

CFR Citation: 46 CFR 16

Legal Deadline: None

Abstract: On November 21, 1988 (53 FR 47064) the Coast Guard published

regulations which require marine employers to implement pre-employment drug testing. On June 21, 1989, the U.S. District Court for the District of Columbia requested a voluntary suspension of the pre-employment drug testing portion of the rule. This action delayed implementation of pre-employment drug testing by those employers having more than 50 employees until July 21, 1989. It was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action : Suspension of Implementation Date	06/23/89	54 FR 26377

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: CDR J. Koski, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2215

RIN: 2115–AC45

1750. MANEUVERING PERFORMANCE STANDARDS FOR U.S. VESSELS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1; 33 CFR 164

Legal Deadline: None

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
Withdrawn	08/30/89	54 FR 35895

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The international work which this rule would have promulgated is largely informal and recommendatory in nature. As a result, the Coast Guard is withdrawing the proposal since, on closer examination, it was determined it was too general to warrant a rulemaking proceeding.

Agency Contact: Mr. V. Azinovsky, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115–AA53

1751. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None

Abstract: This proposal was intended to amend the bulk cargo regulations by clarifying the language, eliminating unnecessary requirements, and upgrading some existing requirements. The project has been reevaluated and the Coast Guard has decided to withdraw it.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
Withdrawn	08/24/89	54 FR 35211

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project was withdrawn because the amendments it would have made have since been made under other rulemakings.

Agency Contact: Mr. T.J. Felleisen, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA70

1752. POLLUTION RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (81-101)

Significance: Nonsignificant

Legal Authority: 46 USC 3507; 46 USC 3703

CFR Citation: 46 CFR 30; 46 CFR 98; 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: The Coast Guard published rules implementing Annex II of MARPOL 73/78 on 03/12/87 (52 FR 7765). Experience under this rule has disclosed several areas that require clarification. This rule would clarify requirements of the Annex. An interim final rule was effective August 31, 1988; comment period closed September 15, 1988. The interim final rule was adopted without change on 3/28/89.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/88	53 FR 28970
Final Action Adoption of Interim Rule	03/28/89	54 FR 12628
Final Action Effective	04/27/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/28/89 (54 FR 12628)

Agency Contact: Mr. T. Felleison, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA73

1753. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATION AND TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3301(2)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None

Abstract: The proposal was to update authority citations for nautical school ships in 46 CFR Subchapter "R" and update certain parts to conform with current inspection policies. Nautical school vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons were to be subject to inspection for the first time. This project was a cooperative effort with MARAD and was terminated because it is premature. It will be reinstituted when MARAD has determined what standards their vessels should meet.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. CGD 82-092.

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB21

1754. FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This rulemaking would update the Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards were to be adopted by reference. It has been consolidated into the rulemaking entitled Incorporation and Adoption of Industry Standards, RIN 2115-AD05.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2115-AD05	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AC13

1755. INSPECTED FISH PROCESSING AND FISH TENDER VESSELS (86-026)

Significance: Nonsignificant

Legal Authority: 46 USC Subtitle II; PL 98-364

CFR Citation: 46 CFR 105

Legal Deadline: None

Abstract: This project was to implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations reflecting the specialized nature and economics of fish processing and fish tender vessel operations. It has been terminated because there is presently only one vessel which could be affected and the Coast Guard has determined that any peculiarities for this type of vessel could be handled by the Navigation Vessel Inspection Circular.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: LCDR M. Karr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC27

1756. FIRE EXTINGUISHERS (PORTABLE AND SEMI-PORTABLE) - REVISING APPROVAL SPECIFICATIONS AND UPDATING CARRIAGE REQUIREMENTS (86-072)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 162; 46 CFR 25; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 168; 46 CFR 181; 46 CFR 193; 33 CFR 145; 33 CFR 149

Legal Deadline: None

Abstract: This action was to update the approval specifications for portable and semiportable fire extinguishers to incorporate minimum acceptance standards, and minimum factory quality control and independent laboratory inspection levels; it was to update extinguisher carriage and inspection requirements on vessels to reflect current fire extinguisher technology. In an attempt to reduce regulations, the Coast Guard is working with industry toward adopting industry (ASTM/UL) standards. As the standards are not yet complete, this rulemaking was terminated. It will be reinstituted when a firmer basis for proceeding has been formulated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mr. Klaus Wahle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC43

1757. SOLAS 74/83 LIFE JACKET APPROVAL REQUIREMENTS REVISION (85-200)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project was to establish Coast Guard approval requirements for lifejackets meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is the first in a series of projects, numbered 85-200 to 85-211, which have been split off from Coast Guard 84-069 which implemented the 1983 Amendments to SOLAS 1974. So many revisions were necessary that it was better to make several small and easily identifiable projects rather than a large and confusing one. Because of staffing assignments, this project could not be completed in a timely manner. It is expected to be reinstituted at a later date.

Agency Contact: Mr. Samuel Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC46

1758. SOLAS 74/83 EMERGENCY DRINKING WATER AND FOOD APPROVAL REQUIREMENTS (85-202)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project was to establish Coast Guard requirements for emergency drinking water and food meeting the 1983 Amendments to the Safety of Life at Sea Convention. In an attempt to reduce regulations, the Coast Guard is working with industry toward adopting industry (ASTM/UL) standards. As the standards are not yet complete, this rulemaking was terminated. It will be reinstituted when a firmer basis for proceeding has been formulated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC48

1759. REVISION OF PYROTECHNIC DISTRESS SIGNAL APPROVAL REQUIREMENTS: SOLAS 74/83 (85-203)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This action was to develop approval requirements for pyrotechnic distress signals which meet the provisions of the 1983 Amendments to the 1974 Safety of Life at Sea Convention. In an attempt to reduce regulations, the Coast Guard is working with industry toward adopting industry (ASTM/UL) standards. As the standards are not yet complete, this rulemaking was terminated. It will be reinstituted when a firmer basis for proceeding has been formulated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC49

1760. REVISION OF DISEMBARKATION LADDER APPROVAL REQUIREMENTS: SOLAS 74/83 (85-204)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project was to establish approval requirements for disembarkation ladders meeting the 1983 Amendments to the Safety of Life at Sea Convention. In an attempt to reduce regulations, the Coast Guard is working with industry toward adopting industry (ASTM/UL). As the standards are not yet complete, this rulemaking was terminated. It will be reinstituted when a firmer basis for proceeding has been formulated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC50

1761. HYDRAULIC RELEASE UNITS FOR LIFESAVING EQUIPMENT: SOLAS 74/83 (85-206)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project was to establish approval requirements for hydraulic releases meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention. This rulemaking was terminated because of a temporary lack of resources to develop standards in a timely manner, in view of higher-priority issues. It is expected to be reinstituted at a later date.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC52

1762. REVISION OF DAVIT AND WINCH APPROVAL REQUIREMENTS: SOLAS 74/83 (85-207)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project was to establish approval requirements for davits and winches meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention. This rulemaking was terminated because of a temporary lack of resources to develop standards in a timely manner, in view of higher-priority issues. It is expected to be reinstituted at a later date.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC53

1763. RADAR REFLECTOR APPROVAL REQUIREMENTS: SOLAS 74/83 (85-209)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project was to establish approval requirements for radar reflectors meeting the 1983 Amendments to the 1974 Safety of Life

at Sea Convention. The Coast Guard is awaiting clarification of Safety of Life at Sea (SOLAS) requirements and may incorporate them by reference rather than develop regulations. Therefore, this rulemaking project was terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. K. Heinz, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC54

1764. REVISION OF LIFEBUOY APPROVAL REQUIREMENTS: SOLAS 74/83 (85-210)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: The project was to establish approval requirements for lifebuoys meeting the 1983 Amendments of the 1974 Safety of Life at Sea Convention. In an attempt to reduce regulations, the Coast Guard is working with industry toward adopting industry (ASTM/UL) standards. As the standards are not yet complete, this rulemaking was terminated. It will be reinstituted when a firmer basis for proceeding has been formulated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LTJG C. Deleo, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC55

1765. REVISION OF LIFE JACKET LIGHT APPROVAL REQUIREMENTS: SOLAS 74/83 (85-211)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This project was to establish approval requirements for life jacket lights meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention. This project was terminated because the Safety of Life at Sea (SOLAS) standards cannot be used directly; it was determined that Cyalume chemical light sticks do not meet temperature requirements.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC56

1766. ADVANCE NOTICE OF ARRIVAL (CGD 86-055)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(a)(5)

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: This revision to 33 CFR 160 Subpart C requires advance notices from all foreign commercial vessels of less than 1600 gross tons bound for parts or places in the Miami Captain of the Port zone. Currently 33 CFR 160.201(c)(1) excepts all vessels of less than 1600 gross tons from reporting advance notices of arrival. The revision requires vessels of more than 1600 gross tons to provide to the COTP crew makeup and charter information at least 24 hours prior to entering ports or places within the COTP zone.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35095
NPRM Comment Period End	10/24/88	
Final Action	04/07/89	54 FR 14077
Final Action Effective	05/08/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/07/89 (54 FR 14077)

Agency Contact: Lt. J. McDowell, Office of Marine Safety, Security and Environmental Protection, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC58

1767. OIL DISCHARGE MONITORING AND CONTROL SYSTEM (CGD 87-057)

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j); 33 USC 1903; 46 USC 391(a); 49 USC 1655(b)

CFR Citation: 46 CFR 162; 33 CFR 157

Legal Deadline: None

Abstract: This project was to revise the existing equipment approval requirements for the oil discharge monitoring and control system to bring the U.S. requirements in line with the more stringent International Maritime Organization Resolution A.586(14) "Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers." This project was terminated because the Coast Guard is awaiting IMO action on the effect of detergents. It is expected to be reinstituted when firmer data on this issue are available.

Timetable:

Action	Date	FR Cite
Action Terminated	08/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC85

1768. FLOATING ELECTRIC WATERLIGHTS (85-208)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This proposal replaced the detailed design, inspection, and test

requirements for floating electric waterlights with the incorporation by reference of various industry standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48558
NPRM Comment Period End	03/01/89	53 FR 48558
Final Action	06/27/89	54 FR 27018
Final Action Effective	07/27/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27018)

Agency Contact: Mr. R. Crenwelge, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC95

1769. MISSISSIPPI RIVER; REGULATED NAVIGATION AREA (88-075)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: This rulemaking eliminates the Coast Guard requirement to record the identification of each towboat that moves a barge into, within, or out of a facility on the lower Mississippi River. The result of this change is a reduction in the information collection burden imposed on the public.

Timetable:

Action	Date	FR Cite
NPRM	12/02/88	53 FR 48653
NPRM Comment Period End	01/17/89	53 FR 48653
Final Action	04/14/89	54 FR 14957
Final Action Effective	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/02/88 (53 FR 48653)

Additional Information: Formerly entitled: Part 165–Regulated Navigation Areas and Limited-Access Areas.

Agency Contact: Mr. R. Robertson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AD07

1770. QUALIFICATIONS FOR PERSONS IN CHARGE OF OIL TRANSFER OPERATIONS (79-116A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 9102

CFR Citation: 33 CFR 155

Legal Deadline: None

Abstract: This project would establish qualifications of persons in charge of or assisting in the handling, transfer, and transportation of oil and hazardous liquid cargoes in bulk aboard vessels.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2115-AA03	07/06/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project has been consolidated into Docket 79-116 (RIN 2115-AA03) which is also carried in this Agenda.

Agency Contact: Mr. C. Heizer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AD18

1771. ● ADJUSTMENT OF GALVESTON TRAFFIC SEPARATION SCHEME (89-019)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard has adjusted the Galveston Bay Approach Traffic Separation Scheme by centering the separation zone within the existing boundaries to accommodate a dredging project.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	54 FR 14827
NPRM Comment Period End	05/30/89	
Final Action	07/05/89	54 FR 28061
Final Action Effective	09/30/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 07/05/89 (54 FR 28061)

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 20593-0001, 202 267-0415

RIN: 2115–AD22

1772. ● REGULATED NAVIGATION AREA; HAMPTON ROADS, VA (05-89-01)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 5 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: The Coast Guard is providing for special operating requirements for the Elizabeth River Ferries using a dock to be constructed at the foot of High Street in Portsmouth, VA.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3789
NPRM Comment Period End	02/26/89	
Final Action	05/04/89	54 FR 19168
Final Action Effective	06/04/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/04/89 (54 FR 19168)

Agency Contact: Lt. Ormes, Project Manager, Department of Transportation, U.S. Coast Guard, Port and Safety Office, 5th. District, 431 Crawford St., Portsmouth, VA 23704-5004, 804 398-6388

RIN: 2115–AD24

1773. ● REGULATED NAVIGATION AREA; KINGS BAY, GA (7-88-46)

Significance: Nonsignificant

Legal Authority: 33 USC 1231; 50 USC 191

DOT—USCG

Completed Actions

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: This rule more accurately defines the boundaries of the Kings Bay Regulated Navigation Area.

Timetable:

Action	Date	FR Cite
Final Action	05/12/89	54 FR 20573
Final Action Effective	05/12/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/89 (54 FR 20573)

Agency Contact: LT(jg) Lauzon, Project Manager, Department of Transportation, U.S. Coast Guard, Commander (OAN) Seventh Coast Guard District, 909 SE. First Ave, Miami, FL 33131-3050, 305 536-5621

RIN: 2115–AD25

1774. CHANGES TO HONOLULU AND GUAM MARINE INSPECTION ZONES (CGD 89-039)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 3

Legal Deadline: None

Abstract: This rule reassigned various Coast Guard Marine Inspection and Captain of the Port Zones to reflect a minor organizational change. These changes did not affect any Coast Guard services to the public.

Timetable:

Action	Date	FR Cite
Final Action	05/04/89	54 FR 19166
Final Action Effective	05/04/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/04/89 (54 FR 19166)

Agency Contact: Ms. C. Clark, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC, 202 267-0784

RIN: 2115–AD26

1775. ● CHANGE OF ADDRESS FOR MARINE SAFETY CENTER(89-025)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 46 CFR 50; 46 CFR 71; 46 CFR 91; 46 CFR 98; 46 CFR 107; 46 CFR 110; 46 CFR 153; 46 CFR 154; 46 CFR 170; 46 CFR 189

Legal Deadline: None

Abstract: This rule changed the address of the Marine Safety Center which had relocated.

Timetable:

Action	Date	FR Cite
Final Action	05/08/89	54 FR 19570
Final Action Effective	05/08/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/08/89 (54 FR 19570)

Agency Contact: LTCDR Rosencrans, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC, 202 267-2997

RIN: 2115–AD27

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Prerule Stage

1776. + REVIEW AND REVISION OF REPAIR STATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs. The FAA plans to hold four public meetings to solicit information and views to review the existing regulations and to explore alternatives in revising the rules of this part. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Meetings	07/24/89	54 FR 30866
Notice Correction	08/08/89	54 FR 32563

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-87-045R.

Agency Contact: Leo Weston, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8203

RIN: 2120–AC38

1777. + INSTALLATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; PL 100-591

CFR Citation: 14 CFR 25

Legal Deadline: NPRM, Statutory, February 3, 1989.
Public Law 100-591, Aviation Safety Research Act of 1988.

Abstract: This preliminary action is to determine the feasibility of installing, in all air carrier aircraft, crashworthy fuselage fuel tanks and fuselage fuel lines which are rupture resistant and which disconnect and seal in the event of an accident. This notice solicits public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning this proposed regulatory action. This rulemaking is considered significant because of a statutory requirement.

DOT—FAA

Prerule Stage

Timetable:

Action	Date	FR Cite
ANPRM	05/02/89	54 FR 18824
ANPRM Comment Period End	10/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Project No. ANM-89-005R.

Agency Contact: James Walker, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2116

RIN: 2120–AC87

1778. ● + TCAS II AND WINDSHEAR IMPLEMENTATION SCHEDULES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: This rulemaking would amend existing regulations requiring installation and use of an airborne collision avoidance system known as TCAS II and airborne windshear warning and escape path flight guidance systems. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	07/10/89	54 FR 28978

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Rock, Aircraft Engineering Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9567

RIN: 2120–AD23

1779. REVIEW: PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances.

This part is being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9372

RIN: 2120–AB09

1780. REVIEW: PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This part governs the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire.

This part is being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3749

RIN: 2120–AB27

1781. REVIEW: PART 135 – AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This part governs: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a

DOT—FAA

Prerule Stage

commercial operator in specified aircraft.

This part is being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AB28

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

1782. + CIVIL SUPERSONIC AIRCRAFT NOISE TYPE CERTIFICATION STANDARDS AND OPERATING RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431(b); 49 USC 1651(b)(2); 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM Comment Period End	02/27/87	
Comment Period Reopened Until 07/01/87	03/12/87	52 FR 7618
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/30/86 (51 FR 39663); Final Regulatory Evaluation 10/02/89

Additional Information: Docket 25109. Formerly entitled SST Stage 3 Compliance. Project No. AEE-86-012R.

Agency Contact: Steven Albersheim, Policy and Regulatory Division, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AC22

1783. ● + DRUG ENFORCEMENT ASSISTANCE

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(d); 49 USC 1401; 49 USC 1402; 49 USC 1403; 49 USC 1404; 49 USC 1405; 49 USC 1406; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 13; 14 CFR 47

Legal Deadline: Final, Statutory, September 18, 1989.
FAA Drug Enforcement Assistance Act of 1988.

Abstract: This notice would propose to revise certain requirements concerning registration of aircraft, certification of pilots, and penalties associated with registration and certification violations. This notice also announces new procedures for processing major repair and alteration forms which pertain to fuel system modifications. Actions announced in this notice respond to the FAA Drug Enforcement Assistance Act. The proposed requirements and adopted procedures are intended to assist law enforcement agencies in their efforts to stop drug trafficking in general aviation aircraft. This rulemaking is significant because of a statutory deadline.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/01/89

Additional Information: Project No. ACS-89-035R.

Agency Contact: Kenneth Lauterstein, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9534

RIN: 2120–AD16

1784. + CRASH RESISTANT FUEL SYSTEMS IN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would propose changes to the airworthiness standards to improve the crash resistance of fuel systems on normal, utility, acrobatic, and commuter category airplanes. The FAA has determined that improved crash resistance of these fuel systems is necessary to prevent deaths and injuries due to fire in survivable crashes. The proposed design changes would limit fuel spillage near ignition sources and would provide additional time for the survivors to evacuate the airplane. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/02/89

Additional Information: Formerly titled Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems. Project No. ACE-82-005R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120–AA57

1785. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Contemplated action would revise certification and operational requirements for aircraft effective the date of the NPRM. On that date the current two-stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Project No. AEE-84-100R.

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB88

1786. + AIRSPACE RECLASSIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401 to 1405; 49 USC 1421 to 1432; 49 USC 1443; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 1657(f)

CFR Citation: 14 CFR 1; 14 CFR 11; 14 CFR 65; 14 CFR 71; 14 CFR 75; 14 CFR 91; 14 CFR 93; 14 CFR 101; 14 CFR 103; 14 CFR 105; 14 CFR 121; 14 CFR 127; 14 CFR 137; 14 CFR 159; 14 CFR 171

Legal Deadline: None

Abstract: This action would adopt certain recommendations of the National Airspace Review concerning changes to regulations and procedures dealing with airspace classification. These changes are intended to: (1) simplify airspace designations; (2) achieve international commonality of airspace designations; (3) increase standardization of equipment requirements for operations in the various classifications of airspace; and (4) associate appropriate pilot certification requirements, visual flight rules visibility and distance from clouds rules, and air traffic services offered in each proposed class of airspace. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket number 24456.

Regulatory Project ATO-200-84-7R.

This action incorporated RIN 2120-AC57 and will incorporate RIN 2120-AB02, National Airspace Review; Terminal Airspace Task Group Recommendations, and RIN 2120-AB93, Controlled Airspace Designations in International Airspace.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Air Traffic Rules ranch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB95

1787. + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice will propose to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to exit types and quantities required for passenger seating configurations while retaining the same level of safety. This notice also will propose to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/02/89

Additional Information: Project No. ANM-87-006R.

Agency Contact: Franklin Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain

DOT—FAA

Proposed Rule Stage

Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC43

1788. + MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice will propose to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight crew take no active role in the demonstration and changing the age/sex distribution requirement for demonstration participants. This notice also proposes to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public address system. These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/02/89

Additional Information: Project No. ANM-87-010R.

Agency Contact: Frank Tiangsing, Regulations Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC45

1789. + IMPROVED ACCESS TO TYPE III EMERGENCY EXITS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice will propose to amend Parts 25 and 121 of the Federal Aviation Regulations to provide for improved access to Type III emergency exits. These proposals are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	11/27/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Formerly entitled Improved Access to Type III and Type IV Emergency Exits. Project No. ANM-86-007R.

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC46

1790. + FLIGHT PLAN FILING REQUIREMENTS; NATIONAL AIRSPACE REVIEW RECOMMENDATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.83

Legal Deadline: None

Abstract: This action will propose to review flight-plan filing requirements and revise according to National Airspace Review Recommendations 2-3.1.4, 2-3.1.5, 2-3.1.6, 2-3.1.7, and 2-3.1.8, i.e., to establish lower ceiling and visibility criteria for rotorcraft so as to reduce the frequency of required IFR alternate airport filings; to allow fixed-wing aircraft to file IFR alternate airports that meet the same criteria as rotorcraft; to require pilots to indicate, in their flight plans, when their aircraft is equipped with special equipment. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-12R. RIN 2120-AC41 was consolidated into this proceeding.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC56

1791. + PARTS 121 AND 135 - TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise and upgrade the Parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting Part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed upgraded Part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force

on Flight Crew Performance and is significant because of its safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AXR-88-301R.

Agency Contact: David Catey, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AC79

1792. + UNITED STATES CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g); EO 10854

CFR Citation: 14 CFR 71; 14 CFR 11.69

Legal Deadline: None

Abstract: This action proposes to enhance flight safety and to simplify the flight rules associated with flights conducted under visual flight rules by requiring all visual flight rules operations above a common altitude (1,200 feet above ground level) to be conducted with the same distance from clouds and visibility minimums. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-87-8R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC88

1793. + PROPOSED ESTABLISHMENT OF THE WASHINGTON TRI-AREA TCA AND REVOCATION OF THE WASHINGTON, DC, TCA AND AIRPORT RADAR SERVICE AREAS AT BALTIMORE-WASHINGTON AND DULLES AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action would establish a Terminal Control Area (TCA) in the greater Baltimore/Washington, DC, area. Because the TCA would serve airports located in three different areas (Washington, DC, Maryland, and Virginia) the TCA would be established as the Washington Tri-Area TCA. The TCA would encompass four major airports: Andrews Air Force Base, Baltimore-Washington International, Dulles International, and Washington National. The TCA would consist of airspace from the surface or higher within a 20-mile radius of each airport up to and including 10,000 feet above mean sea level. This action is intended to increase the capability of the air traffic control system to separate all aircraft in the terminal airspace around these airports and to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/09/89

Additional Information: Formerly entitled Proposed Establishment of the Dulles Terminal Control Area; Virginia.

RIN 2120-AD06, Proposed Establishment of the Baltimore, Maryland, Terminal Control Area, has been incorporated into this project.

Agency Contact: Jesse Bogan, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9253

RIN: 2120–AD01

1794. + PROPOSED ESTABLISHMENT OF THE ORLANDO, FLORIDA, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/30/89

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120–AD03

1795. + PROPOSED ESTABLISHMENT OF THE HOUSTON HOBBY TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1248(a); 49 USC 1345(a); 49 USC 1510; EO 19854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic

control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9250

RIN: 2120–AD04

1796. + PROPOSED ESTABLISHMENT OF THE TAMPA, FLORIDA, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/89

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120–AD07

1797. ● + PHASEOUT OF X-RAY EQUIPMENT FOR CARRY-ON BAGGAGE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This notice proposes to phaseout obsolete x-ray systems (in use before July 22, 1985) to ensure that state-of-the-art technology is used. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/22/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/22/90

Additional Information: Project No. AXR-89-197R.

Agency Contact: Quinten T. Johnson, Civil Aviation Security Division, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8058

RIN: 2120–AD13

1798. ● + EMERGENCY LOCATOR TRANSMITTERS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1471; 49 USC 1485; 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice would propose to require improved emergency locator transmitters (ELT) that meet the requirements of Technical Standard Order (TSO) C91a or later issued ELT TSO's for all future installations on U.S.-registered airplanes and to terminate the manufacture of ELT's authorized under TSO-C91. This proposal is the result of unsatisfactory performance experienced with ELT's that are manufactured under TSO-C91 and recommendations made by the National Transportation Safety Board, the search and rescue community, and Congress. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/13/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/13/89

Additional Information: Project No. AVS-85-346R.

Agency Contact: Phil Akers, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9571

RIN: 2120–AD19

1799. ● + SOLE MEANS RADIO NAVIGATION SYSTEM

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; ...

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, September 30, 1989.
Airway Safety and Capacity Expansion Act of 1987 (PL 100-223).3

Abstract: This notice would propose to establish minimum standards under which a radio navigation system may

be certified as a Sole Means Air Navigation System. This rulemaking is considered significant because of a congressional mandate.

Timetable:

Action	Date	FR Cite
NPRM	12/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AFS-89-215-R.

Agency Contact: Robert R. Grimes, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3722

RIN: 2120–AD26

1800. ● + IMPROVED SEAT SAFETY STANDARDS FOR COMMUTER CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This rulemaking action would upgrade the occupant seat restraint systems in commuter category airplanes. It is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/10/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project No. ACE-87-014-R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-5688

RIN: 2120–AD27

1801. ● + GROUND PROXIMITY WARNING SYSTEMS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This action would revise the requirements for Ground Proximity Warning Systems for certificate holders operating under Part 135 by requiring that: (1) all turbine-powered airplanes with 10 or more seats have these systems, and (2) Ground Proximity Warning Systems meet the applicable Technical Standard Order requirements. This proposal would change the existing rule by expanding the requirement for Ground Proximity Warning Systems, now applicable only to turbojet airplanes, to also include turboprop airplanes. This proposal would also require that only Ground Proximity Warning Systems, not alternate warning systems, be installed on airplanes which currently do not have those systems. Airplanes which already have previously approved alternate warning systems would continue to use those systems. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/02/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-86-283R.

Agency Contact: Philip Akers, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9571

RIN: 2120–AD29

1802. ● + EXIT REQUIREMENTS FOR PART 23 AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would provide alternative emergency exit requirements for commuter category airplanes when additional cabin safety features are included. This action would also develop a size requirement for the passenger entry door. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ACE-88-001R.

Agency Contact: Earsa Tankesley, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, MO 64106, 202 426-6930

RIN: 2120–AD33

1803. ● + USE OF INERT GAS FOR TIRE INFLATION IN LIEU OF AIR

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations to require the servicing of airplane tires with nitrogen, in lieu of air, as the need to fill or service the tires occurs. This action is prompted by three confirmed, and other suspected, cases in which the oxygen in air-filled tires combined with volatile gases given off by a severely overheated tire, and exploded upon reaching autoignition temperature. A tire explosion in the wheel well during flight is suspected in the catastrophic loss of one airplane and severe damage to two others. An Airworthiness Directive has been adopted which affects current large transport category airplanes. The changes proposed in this rulemaking would extend the provisions of the Airworthiness Directive to future transport category airplanes. This rulemaking is considered significant because of substantial public interest.

DOT—FAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-87-027R.

Agency Contact: Gary D. Lium, Regulations Branch, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD37

1804. REVIEW OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been combined into this review.

Project No. AVS-82-288R.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120–AA70

1805. PART 77 REVIEW, OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This action would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/02/89

Additional Information: Regulatory Project ATO-200-85-15R.

Agency Contact: William C. Davis, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AA09

1806. FUEL SYSTEM FIRE PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would amend Sec. 25.975 to require fuel tank vent protection during ground fires and Sec. 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	
NPRM	12/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/18/89

Additional Information: Docket 24251. Formerly entitled Implementation of SAFER Propulsion System Recommendations. Project No. ANM-82-050R.

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific

Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120–AA49

1807. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	04/09/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/09/90

Additional Information: Project No. AVS-83-105R.

Agency Contact: **Brian Calendine,** Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8150**

RIN: 2120–AA83

1808. COMPOSITE PROPELLERS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: This action would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite
NPRM	06/21/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/21/90

Additional Information: Formerly titled Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction. Project No. ANE-83-002R.

Agency Contact: **M. Buckman,** Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7079**

RIN: 2120–AB05

1809. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways. In view of comments received, a second NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	
Second NPRM	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/87 (52 FR 45578)

Additional Information: Docket 25471. Project No. ANM-83-030R.

Agency Contact: **Bill Boxwell,** Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2111**

RIN: 2120–AB17

1810. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposal would review special conditions issued for high altitude operation and consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
NPRM	11/27/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 11/27/89

Additional Information: Project No. ANM-83-022R.

Agency Contact: **Gary Lium,** Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2134**

RIN: 2120–AB18

1811. TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	
NPRM	12/11/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/11/89

Additional Information: Project No. ASW-83-006R.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5109**

RIN: 2120–AB36

1812. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend the regulations that deal with passenger information, safe passenger egress, child restraint, and emergency equipment. The proposals would prohibit smoking at any time in any location displaying a "no smoking" sign or placard. They would require that passengers wear safety belts at any time a "fasten seatbelts" sign is turned on. They would require that the "fasten seatbelts" sign be turned on during taxi. They would clearly establish a requirement for an assisting means of egress and the stowage of passenger service equipment prior to taxi. They would make the pilot in command or, in the case of operations under Part 121, the certificate holder responsible for informing the passengers that they may be liable for a civil penalty should they fail to comply with FAA regulations. They would require that supplementary child restraint devices be accepted by a certificate holder when requested by the child's attendant.

Timetable:

Action	Date	FR Cite
NPRM	05/21/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/21/90

Additional Information: Project No. AVS-84-191R.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-8096**

RIN: 2120–AB45

1813. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage. NPRM would require both the fuel-air mixture control device and throttle control device to move automatically to an acceptable position for continued safe operation in the event that the control linkage of these levers becomes disconnected.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	
NPRM	01/16/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/16/90

Additional Information: Project No. ANE-85-002R.

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, MA 01803, **617 273-7077**

RIN: 2120–AB76

1814. NEW ROTORCRAFT 30-SECOND/2-MINUTE ONE-ENGINE-INOPERATIVE POWER RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice would propose to amend the Federal Aviation Regulations by incorporating new one-engine-inoperative (OEI) power ratings for multi-engine, turbine-powered rotorcraft. If adopted, these proposals would enhance rotorcraft safety after an engine failure or precautionary shutdown by providing OEI power, when required, with the assurance that the drive system would maintain its structural integrity and allow continued safe flight while operating at the new OEI power ratings with the operable engine(s).

Timetable:

Action	Date	FR Cite
NPRM	10/20/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/20/89

Additional Information: Formerly entitled New Rotorcraft Emergency Power Ratings.

Project No. ASW-85-469P.

Agency Contact: Ray Twa, Rotorcraft Standards Staff, Department of

Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5158

RIN: 2120–AB90

1815. TURBOSHAFT ENGINE ROTOR BURST PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/89

Additional Information: Former title Turbine Burst Protection for Transport Category Helicopters. Project No. ASW-84-002.

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5123

RIN: 2120–AB91

1816. ROTORCRAFT REGULATORY CHANGES BASED ON EUROPEAN JOINT AIRWORTHINESS REQUIREMENTS PROPOSAL

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice proposes changes to the type certification requirements for both normal and transport category rotorcraft. The changes would revise airworthiness standards for systems, propulsion, and airframes and would introduce safety improvements, clarify existing regulations, and standardize terminology. The changes are based on some of the proposals that were submitted to the FAA by the European Joint Airworthiness Requirements 29 group. These proposals are intended to encourage the European community's acceptance of the Federal Aviation Regulations' rotorcraft type certification requirements and to obviate the development of a new and different European standard. Adoption of these changes will achieve increased commonality of airworthiness standards among the respective countries.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17936
NPRM Comment Period End	10/23/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17936)

Additional Information: Former title Rotorcraft Certification Requirements; Coordination with European Airworthiness Authorities Steering Committee (AASC). Project No. ASW-83-017R.

Agency Contact: R. T. Weaver, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AC27

1817. NON-FEDERAL AIR TRAFFIC CONTROL TOWERS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 105

Legal Deadline: None

Abstract: The adoption of this recommendation would allow review, study, and proposal of changes to Parts 91 and 105 of the regulations. This proposal would define the responsibilities of non-Federal air traffic control towers as to compliance with FAA air traffic control towers. This proposal would have an effect on local and State governments.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/89

Additional Information: Regulatory Project No. ATO-200-87-14R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8781

RIN: 2120–AC59

1818. SHOULDER HARNESSES IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 27; 14 CFR 29; 14 CFR 91

Legal Deadline: None

Abstract: This notice would propose to amend Parts 21, 27, 29, and 91 of the Federal Aviation Regulations to require the installation of shoulder harnesses at all seats of rotorcraft manufactured after a specified date. This notice responds to a safety recommendation from the National Transportation Safety Board and would enhance protection of occupants in rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	10/10/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/10/89

Additional Information: Formerly entitled Shoulder Harnesses for Each

Seat in Parts 27 and 29 Rotorcraft. Project No. ASW-86-018R.

Agency Contact: James Major, Rotorcraft Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, PO Box 1689, Fort Worth, TX 79193-0111, 817 624-5117

RIN: 2120–AC67

1819. ROTORCRAFT CRASH RESISTANT FUEL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to implement requirements in Parts 27 and 29 for crash-resistant fuel systems to reduce injuries or fatalities resulting from ignition of flammable fluids following an otherwise survivable crash of a rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	05/14/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Formerly entitled Fuel System Crashworthiness. Project No. ASW-85-006R.

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5118

RIN: 2120–AC68

1820. LANDING GEAR AURAL WARNING

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125

Legal Deadline: None

Abstract: This notice proposes to amend the airworthiness standards for transport category airplane landing gear aural warning systems and the operating rules for air carrier and air taxi operators of transport airplanes by updating the present requirements to make them more functionally oriented. This proposal is prompted by reports of nuisance or inappropriate aural warnings which have occurred in modern transport airplanes when strictly adhering to the present regulations. It is intended to enhance flight safety while decreasing the regulatory burden associated with making an equivalent level of safety finding or exemption, for those systems that do not meet the existing requirements. This proposal will not affect existing certified airplanes.

Timetable:

Action	Date	FR Cite
NPRM	08/17/89	54 FR 34116
NPRM Comment Period End	02/13/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/17/89 (54 FR 34116)

Additional Information: Project No. ANM-86-008R.

Agency Contact: Gene Vandermolen, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2114

RIN: 2120–AC82

1821. KETCHIKAN INTERNATIONAL AIRPORT TRAFFIC RULE, PART 93, SUBPART M

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action proposes to eliminate the exclusion of airspace below 600 feet mean sea level and to require reporting for traffic advisories by all pilots flying radio-equipped aircraft within the Ketchikan International Airport control zone (regardless of whether the control zone is in effect or not).

Timetable:

Action	Date	FR Cite
NPRM	06/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-88-8R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC90

1822. AIR TRAFFIC CONTROL CLEARANCE READBACK

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action would require pilots to read back all clearances dealing with holding short, taking off, crossing, and proceeding onto a runway.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Project Number: ATO-200-88-17R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC91

1823. LOCATION OF MARKS ON FIXED-WING AIRCRAFT AND AIRSHIPS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC

1421; 49 USC 1423; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 45

Legal Deadline: None

Abstract: This notice proposes to amend the regulations for the location of nationality and registration marks on fixed-wing aircraft and airships. This proposal would modify the requirements for the location of marks on fixed-wing aircraft and airships with configurations that are not addressed by the existing regulations. These amendments are needed because existing rules cannot be applied to unconventional aircraft/airship configurations, and the proposed rule would allow for alternative locations for nationally and registration marking

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-86-132P.

Agency Contact: Earl Seabrooks, Aircraft Manufacturing Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-9540**

RIN: 2120–AC99

1824. ● REVISION OF AVIATION MAINTENANCE TECHNICIAN SCHOOL RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 147

Legal Deadline: None

Abstract: This notice proposes to update the regulations for certificating aviation maintenance technician schools to accommodate the increasing demand for maintenance technicians with higher levels of skill and knowledge.

Timetable:

Action	Date	FR Cite
NPRM	02/27/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/27/90

Additional Information: Project No. AVS-87-190R.

Agency Contact: Leslie K. Vipond, General Aviation and Commercial Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3269**

RIN: 2120–AD09

1825. ● AIRPORT CERTIFICATION; CLARIFICATION OF VARIOUS PROVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1432; 49 USC 106(g)

CFR Citation: 14 CFR 139

Legal Deadline: None

Abstract: This notice proposes to change a section of the certification and operation regulations of airports dealing with the control of ground vehicles on an airport. This action is necessary since concerns have been expressed that the current language appears to place undue responsibility and liability on certificate holders.

Timetable:

Action	Date	FR Cite
NPRM	10/26/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AAS-88-365P.

Agency Contact: Edward Rancourt, Airport Safety and Operations Division, Office of Airport Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-8723**

RIN: 2120–AD10

1826. ● SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would propose changes to the airframe and flight airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that are based on a number of recommendations discussed at the Small Airplane Airworthiness Review Conference held on October 22-26, 1984. This action arises from the recognition that updated safety standards are needed for an acceptable level of safety in the design requirements for small airplanes used in both private and commercial operations. This action will include design requirements applicable to advancements in technology being incorporated in current designs and will reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety.

Timetable:

Action	Date	FR Cite
NPRM	11/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/09/89

Additional Information: Project No. ACE-84-012R.

Agency Contact: Bobby Sexton, Standards Office, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 610 East 12th Street, Kansas City, Missouri 64106, **816 426-5688**

RIN: 2120–AD20

1827. ● AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES; PROPOSAL FOR NEW ONE-ENGINE-INOPERATIVE RATINGS, DEFINITIONS, AND TYPE CERTIFICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1347; 49 USC 1348; 49 USC 1354(a); 49 USC 1357(d)(2); 49 USC 1372; 49 USC 1421 to 1430; 49 USC 1432; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 33

Legal Deadline: None

Abstract: The Aerospace Industries Association of America, Inc., petitioned for amendments to the Federal Aviation Regulations to provide new one-engine-inoperative ratings for rotorcraft engines and their application to rotorcraft. This notice would respond to that petition and propose to define and establish type certification standards for new one-engine-inoperative ratings for rotorcraft engines in Parts 1 and 33.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANE-85-001R.

Agency Contact: Donald F. Perrault, Engine and Propeller Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, **617 273-7081**

RIN: 2120–AD21

1828. ● MAINTENANCE RECORDING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1421 to 1430; 49 USC 1502

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This rulemaking action would clearly define the recordkeeping requirements related to airworthiness directives and life limited parts. This rulemaking would also specifically identify and describe the types of records which would be acceptable to the FAA and the required retention period for these records.

Timetable:

Action	Date	FR Cite
NPRM	04/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project No. AXR-89-181-R.

Agency Contact: George H. Johnson, Project Development Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, **202 267-3798**

RIN: 2120–AD25

1829. ● IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would clarify a number of editorial errors in Amendments 25-61, 25-66, 121-189, and 121-198 concerning the flammability standards for components used in the cabins of transport category airplanes.

Timetable:

Action	Date	FR Cite
NPRM	11/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-88-024R.

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120–AD28

1830. ● SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 3

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would propose changes to the powerplant and equipment airworthiness standards for normal, utility, acrobatic, and commuter category airplanes that are based on certain proposals and recommendations discussed at the Small Airplane Airworthiness Review Conference held in St. Louis, Missouri, on October 22-26, 1984. These proposals arise from the recognition, by both government and industry, that updated safety standards are needed to maintain an acceptable level of safety in the design requirements for small airplanes that are used in both private and commercial operations. These proposals, if adopted, will include design requirements applicable to advancements in technology being incorporated in current designs and reduce the regulatory burden in showing compliance with some requirements while maintaining an acceptable level of safety.

Timetable:

Action	Date	FR Cite
NPRM	12/18/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ACE-84-011R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 426-6930**

RIN: 2120–AD30

1831. ● DESIGNATED ENGINEERING ORGANIZATION AUTHORIZATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 1651; 49 USC 1857; 49 USC 106(g)

CFR Citation: 14 CFR 21; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by combining and amending the Delegation Option Authorization Procedures, the Designated Alteration Station Authorization Procedures, and the Development of Major Repair Data into a revised Subpart J of Part 21 entitled "Designated Engineering Organization Authorization Procedures (DEO).

This action would: (1) broaden existing delegation of aircraft certification and approval functions to organizations in

the United States; (2) extend these functions to domestic organizations which possess the necessary technical and managerial qualifications specified in revised Subpart J of Part 21; (3) improve the standardization and reduce the long-term cost of FAA certification and approval functions; and (4) result in DEO conducted programs that are equivalent in safety and compliance to standard FAA conducted programs.

Timetable:

Action	Date	FR Cite
NPRM	01/16/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-85-249R.

Agency Contact: George Marania, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9589

RIN: 2120–AD31

1832. ● REQUIREMENTS FOR AIRCRAFT PROTECTION IN HIGH ENERGY RADIATED ELECTROMAGNETIC FIELDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by adding a new requirement for the protection of electrical and electronic systems in high energy radiated electromagnetic fields.

Timetable:

Action	Date	FR Cite
NPRM	06/08/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-89-180R.

Agency Contact: Abbas Rizvi, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9564

RIN: 2120–AD32

1833. ● AIRPLANE ENGINE COWLING RETENTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards for transport category airplanes to require improved engine cowling retention devices. A review of a number of inflight incidents where engine cowling was lost revealed that the largest single cause of such losses is improper latching of the cowling. If adopted, this proposal would provide additional design standards to detect improperly latched cowling and to ensure the integrity of the latching system.

Timetable:

Action	Date	FR Cite
NPRM	10/23/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-87-004R.

Agency Contact: Mike Pasion, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2116

RIN: 2120–AD34

1834. ● DEPRESSURIZATION EVALUATION OF STRUCTURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would develop a retroactive requirement for transport category airplanes that would require that normally unpressurized areas and compartments be able to withstand the effects of the required depressurization failure conditions that have been applied to the pressurized compartments.

Timetable:

Action	Date	FR Cite
NPRM	09/04/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-88-008R.

Agency Contact: Jim Haynes, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120–AD35

1835. ● VIBRATION, BUFFET AND AEROELASTIC STABILITY REQUIREMENTS FOR TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would revise the structural requirements for transport category airplanes concerning flutter, divergence, vibration, and buffet. It would clarify the requirement to consider flutter and divergence when treating certain damage and failure conditions required by other sections of Part 25. It would revise the required safety margins by slightly reducing the safety margin concerning airplane speed for normal configurations and providing a minimum safety margin concerning airplane speed for damage and failure configurations. These changes are intended to provide consistency with other sections of Part 25, to relieve a design burden which is now unnecessary as a result of advances in technology, and to improve certain safety margins as a result of the evolution in the design of transport airplanes.

DOT—FAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/17/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-86-024R.

Agency Contact: James Haynes, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2113

RIN: 2120–AD36

1836. ● AIRPLANE JACKING LOADS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations to include standards for airplane tiedown and jacking loads which would provide for protection of primary structure during jacking operations and ground gust conditions.

Timetable:

Action	Date	FR Cite
NPRM	12/26/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-84-006R.

Agency Contact: Iven Connally, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD38

1837. ● BIRD STRIKE DAMAGE ASSESSMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations by upgrading the standards for protecting transport category airplanes from bird impact damage by requiring that airplanes be designed such that: (1) only minor damage would result from impact with a 4-pound bird and (2) the airplane would be capable of continued safe flight and landing after impact with an 8-pound bird. These standards are needed because of possible vulnerability of new technology flight controls, flight instruments, and flight structures to bird strike damage. These proposed changes are based on research and service experience and are intended to improve survivability of the airplane by providing better protection of critical structures and systems.

Timetable:

Action	Date	FR Cite
NPRM	09/04/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-87-037R.

Agency Contact: Iven Connally, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD39

1838. ● 1-G STALL SPEED AS A BASIS FOR COMPLIANCE WITH PART 25

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 36

Legal Deadline: None

Abstract: The low speed stalling features of some transport category airplanes are not characterized by the nose-down pitching that has traditionally identified the stall. As a result, the stall speed can be demonstrated to an artificially low level by continuing to decrease speed to the point that the airplane load factor is substantially less than one. The maximum usable power level may vary considerably with flight conditions. To correct this problem, this action would propose the use of a 1-G stall speed in all areas of Parts 25 and 36.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ANM-86-041R.

Agency Contact: James Haynes, Northwest Mountain Region, Department of Transportation, Federal Aviation Administration, 17900Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2118

RIN: 2120–AD40

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Final Rule Stage

1839. + PILOT, FLIGHT INSTRUCTOR, AND PILOT SCHOOL CERTIFICATION RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 141

Legal Deadline: None

Abstract: This action would amend the Federal Aviation Regulations governing pilot initial and recurrent training and the operations of FAA certificated pilot schools. This rulemaking action is the result of concerns identified by the National Transportation Safety Board

and the public and issues raised in petitions for exemption from the the regulations. This action would update standards of pilot performance and respond to technological advances in pilot training since the current rules were issued. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Hearings	06/27/88	53 FR 24178
Comment Period Extended	08/05/88	53 FR 29582
Comment Period Extended	12/05/88	53 FR 49072
NPRM	05/26/89	54 FR 22852
NPRM Comment Period End	08/24/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/26/89 (54 FR 22852)

Additional Information: RIN 2120-AB14 has been combined into this review.

This project was formerly titled Review of Part 61, 141, 143, Pilot, Pilot School, and Ground Instructor Rules.

Project No. AVS-88-244R.

Agency Contact: John D. Lynch, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120–AB12

1840. + PRIMARY CATEGORY AIRCRAFT

Significance: Regulatory Program

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f); 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: This action proposes to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the NPRM proposed simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9738
NPRM Comment Period End	09/07/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/07/89 (54 FR 9738)

Additional Information: Formerly entitled Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records.

Project No. AVS-83-133R.

Agency Contact: Lyle Davis, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9583

RIN: 2120–AB53

1841. + TRANSPONDER REQUIREMENTS IN AN AIR DEFENSE IDENTIFICATION ZONE (ADIZ)

Significance: Regulatory Program

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: This action would establish requirements for all civil aircraft to be equipped with a transponder (basic transponder or Mode S transponder) with automatic altitude reporting equipment when conducting operations into or out of the United States into, within, or across the contiguous United States Air Defense Identification Zone. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/07/86	51 FR 4756
ANPRM Comment Period End	04/10/86	
NPRM	10/12/88	53 FR 39846
NPRM Comment Period End	11/14/88	
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 10/12/88 (53 FR 39846); Final Regulatory Evaluation 10/02/89

Additional Information: Regulatory Project ATO-200-85-8R (Docket # 24903).

Agency Contact: Reginald C. Matthews, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB99

1842. + FUEL VENTING AND EXHAUST-EMISSION REQUIREMENTS FOR TURBINE-ENGINE POWERED AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1341(a); 49 USC 106(g); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502

CFR Citation: 14 CFR 11; 14 CFR 21; 14 CFR 23; 14 CFR 25; 14 CFR 45; 14 CFR 91

Legal Deadline: None

Abstract: Special Federal Aviation Regulation (SFAR) 27 prescribes standards and test procedures for fuel venting and exhaust emissions for the turbine powered airplanes. This proposal would replace SFAR 27, as amended through SFAR 27-6, with a new Part 34 of the Federal Aviation Regulations which will include all of the standards and test procedures of 40 CFR 87 previously included in SFAR 27. This will codify in a single part all of the applicable requirements of 40 CFR 87, Control of Air Pollution from Aircraft and Aircraft Engines; Emissions Standards and Test Procedures, as amended, December 30,

1982, and insert requirements to comply with Part 34 in the other affected Parts where applicable. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18530
NPRM Comment Period End	06/22/88	
Final Action	11/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/23/88 (53 FR 18530); Final Regulatory Evaluation 11/09/89

Additional Information: Project No. AEE-89-217R.

Agency Contact: Harvey H. Van Wyen, Manager, Research and Engineering Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3558**

RIN: 2120–AC62

1843. + IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

Significance: Regulatory Program

Legal Authority: 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, June 28, 1988.
PL 100-223, Section 303, Airport and Airway Safety and Capacity Enhancement Act of 1987.

Abstract: This action proposes new requirements for water survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to US-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24890); Final Regulatory Evaluation 10/02/89

Additional Information: Project No. AVS-85-265R.

Agency Contact: John Petrakis, Department of Transportation, Federal Aviation Administration, Office of Air Worthiness, 800 Independence Ave., SW, Washington, DC 20591, **202 267-9574**

RIN: 2120–AC72

1844. + EXIT ROW SEATING

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 2355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposes to regulate exit row seating in aircraft operated by U.S. air carrier and commercial operators (certificate holders). This rulemaking is needed to ensure that only persons who are determined by the certificate holder to be able, without assistance, to activate an emergency exit and to take the additional actions needed to ensure safe use of that exit in an emergency are seated in exit rows. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10484
NPRM Comment Period End	06/12/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/13/89 (54 FR 10484)

Additional Information: This issue will also be subsumed within the Regulatory Program proceeding entitled Nondiscrimination of the Basis of Handicap (Air Travel), RIN 2105-AA18. Project No. AVS-88-127R.

Agency Contact: Irene Mields, Senior Attorney, General Legal Services Division, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3473**

RIN: 2120–AC75

1845. + RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.
PL 100-223 Sec 303

Abstract: The FAA proposes to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

DOT—FAA

Final Rule Stage

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17650); Final Regulatory Evaluation 10/02/89

Additional Information: Docket 25611. Project No. AVS-88-136R.

Agency Contact: Arthur Hayes, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9937

RIN: 2120–AC84

1846. + SPECIAL FEDERAL AVIATION REGULATION; ADVANCED QUALIFICATION PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This proposed Special Federal Aviation Regulation (SFAR) would establish a voluntary alternative method for meeting the training, evaluation, certification, and qualification requirements for flight crewmembers, flight attendants, aircraft dispatchers, instructors, evaluators, and other operations personnel subject to the training requirements of 14 CFR Part 121 and Part 135. The FAA has developed this alternative method in response to recommendations made by a task force composed of representatives from the Government, airlines, aircrew professional organizations, and airline industry organizations. The proposed SFAR is designed to improve aircrew performance and would allow certificate holders that are subject to the training requirements of Part 121 and Part 135 to develop innovative training programs that incorporate the most recent advances in training methods and techniques. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7670
NPRM Comment Period End	04/24/89	
Final Action	03/09/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Analysis: Regulatory Evaluation 02/22/89 (54 FR 7670); Final Regulatory Evaluation 03/09/90

Additional Information: Project No. AVS-88-281R.

Agency Contact: David L. Catey, Manager, Project Development Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8094

RIN: 2120–AC85

1847. + TRANSPORT CATEGORY ROTORCRAFT STRUCTURAL FATIGUE EVALUATION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This action would revise the type certification standards for transport category rotorcraft by adding flaw tolerance requirements to the requirements for fatigue evaluation of structures. This action would also extend the requirements for fatigue evaluations from flight structures only to all critical structures, including landing gear, and would require consideration of operations having a high number of power cycles per hour. This rulemaking is considered significant because it involves important safety issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 09/22/86 (51 FR 33704); Regulatory Evaluation 10/02/89

Additional Information: Docket No. 23485. Public meeting held on February 8, 1983. This project was formerly entitled Rotorcraft Structural Fatigue Including Tolerance to Flaws. Project No. ASW-83-001R.

Agency Contact: Robert T. Weaver, Manager, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AA84

1848. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes amendments to the FAR which would provide for improved cabin fire protection for transport category airplanes by requiring: (1) each lavatory to be equipped with a smoke detector system which provides warning to the cockpit or to the passenger cabin crew; (2) each lavatory trash receptacle to be equipped with a fire extinguisher which discharges automatically upon the occurrence of a fire within the receptacle; (3) the number of hand fire extinguishers in the cabins of airplanes with passenger seating capacities greater than 200 to be increased; (4) a specified number of the hand fire extinguishers in the cabin to contain Hallon 1211 or equivalent as the extinguishing agent. These safety protections are currently required for operation of airplanes used in air carrier service, but not for the full range of transport category airplanes such as those used for executive transportation. This notice also proposes to require each transport category (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1292
NPRM Comment Period End	07/10/89	

Next Action Undetermined

DOT—FAA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/12/89 (54 FR 1292)

Additional Information: ABSTRACT CONT: airplane manufactured after a specified date to incorporate these improvements. These proposals are needed to respond to investigations of inflight fires and an inspection survey of the U.S. air carrier fleet, and are needed to increase protection against possible inflight fires. This rulemaking is significant because of substantial public interest.

Project No. ANM-83-027R.

Agency Contact: Gary L. Killion, Manager, Regulations Branch, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120–AB22

1849. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec. 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash-impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash-impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact. This rulemaking is significant because of the obvious safety improvements in crash situations, but also because of industry and operator concerns as to incurred costs due to increased weight and design effort.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20938
NPRM Comment Period End	12/30/87	
Comment Period Reopened to 05/06/88	03/08/88	53 FR 7479
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/03/87 (52 FR 20938); Final Regulatory Evaluation 10/02/89

Additional Information: Project No. ASW-84-001R.

Agency Contact: James Major, Regulations Group, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5117**

RIN: 2120–AB35

1850. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This proposed rule was designed to alleviate increased delays throughout the air-traffic system, and was significant because of its involvement with important departmental policy. However, this action will be withdrawn because the proposed measures are unnecessary at this time, considering the delay-reporting regulation implemented by DOT and nonregulatory air-traffic control actions.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment Period End	09/04/84	
To be Withdrawn	10/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/84 (49 FR 33082)

Additional Information: Docket No. 24206.

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3491**

RIN: 2120–AB42

1851. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	

DOT—FAA **Final Rule Stage**

Action	Date	FR Cite
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/27/86 (51 FR 19140); Final Regulatory Evaluation 10/02/89

Additional Information: Docket No. 24995. Project No. ANM 84-019R.

Agency Contact: Robert Hall, Flight Test and Systems Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2143

RIN: 2120–AB77

1852. + FLIGHT ATTENDANT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: The current regulations need to be revised to account for the changed operational practices stemming from airline economic deregulation. This proposal would clarify or change the number of flight attendants required when passengers are on board an airplane, including at stops. This proposal includes two new requirements: (1) a revision of the reduced number of flight attendants which, under certain conditions, a carrier is permitted to have on board a passenger-carrying airplane during stops; and (2) a requirement for a demonstration of competency by the other authorized persons who may be permitted to be substituted for required flight attendants when passengers are on board the airplane during stops. This proposal would change the current rule by clarifying and specifying the training required to be completed by these other authorized persons. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15134
NPRM Comment Period End	07/13/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/14/89 (54 FR 15134)

Additional Information: Project No. AVS-86-077R.

Agency Contact: David L. Catey, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AC32

1853. + PILOTS CONVICTED OF ALCOHOL- OR DRUG-RELATED MOTOR VEHICLE OFFENSES OR SUBJECT TO STATE MOTOR VEHICLE ADMINISTRATIVE PROCEDURES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 67

Legal Deadline: None

Abstract: This notice proposes rules under which two or more alcohol- or drug-related motor vehicle convictions or related State administrative actions would be grounds for certificate action against a pilot. This notice also proposes rules under which a pilot's medical certificate would expire, requiring that the pilot apply for a new medical certificate, after an alcohol- or drug-related motor vehicle action. The notice proposes to require pilots to report alcohol- or drug-related motor vehicle actions to the FAA and proposes to add an express consent provision to facilitate FAA access to information reported to the National Driver Register. The proposed rules are needed to prohibit a pilot from operating an aircraft after multiple alcohol- or drug-related motor vehicle actions. This rulemaking is a significant FAA initiative based on the Department of Transportation/ Inspector General Report of February 17, 1987, entitled "Report on Audit of Airmen Medical Certification Program."

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21580
NPRM Comment Period End	07/17/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/18/89 (54 FR 21580)

Additional Information: Formerly entitled Pilots Convicted of Driving While Intoxicated (DWI)/Under Influence (DUI). Project No. AVS-87-115R.

Agency Contact: Judie Craine, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9681

RIN: 2120–AC51

1854. + DESIGN STANDARDS FOR FUEL TANK ACCESS COVERS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This action would require that the fuel tank access covers on transport category airplanes be designed to minimize penetration by likely foreign objects and be fire resistant. This proposed change is based on service experience and is intended to reduce the hazards associated with the loss of access panels. This action also proposes to require that the panels of all turbine powered airplanes operated in air carrier service after a specified date meet these standards. This rulemaking is considered significant because it involves an important crashworthiness safety issue.

DOT—FAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18526
NPRM Comment Period End	09/17/88	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/23/88 (53 FR 18526); Final Regulatory Evaluation 10/02/89

Additional Information: Project No. ANM-86-006R.

Agency Contact: Iven Connally, Airframe and Propulsion Branch, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2120**

RIN: 2120–AC58

1855. + MINIMUM EQUIPMENT LIST (MEL) REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposes to amend Part 125 and Part 135 requirements for the use of a Minimum Equipment List (MEL). It also proposes to amend the Part 121 requirements for the use of a MEL to make them consistent with the amended Part 125 and Part 135 MEL requirements. Finally, it provides for the development and use of MELs for single-engine aircraft operated under Part 135. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3320
NPRM Comment Period End	03/24/89	
Reopened Comment Period to 4/26/89	03/27/89	54 FR 12553
Final Action	04/02/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/23/89 (54 FR 3320); Final Regulatory Evaluation 04/02/90

Additional Information: Project No. AVS-87-271R.

Agency Contact: Marlene G. Livack, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, **202 267-3753**

RIN: 2120–AC86

1856. + ESTABLISHMENT AND DISCONTINUANCE CRITERIA FOR AIRPORT TRAFFIC CONTROL TOWER FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g)

CFR Citation: 14 CFR 170

Legal Deadline: Final, Statutory, December 31, 1988.

Abstract: This rulemaking would prescribe benefit-cost based criteria for establishment and discontinuance of visual flight rule (VFR) airport traffic control tower facilities. It considers traffic density (number of aircraft operations without consideration of aircraft size), passengers served, and aircraft operating efficiencies along with the cost of establishing and maintaining or decommissioning a tower. The FAA utilizes these criteria to assess benefits and costs associated with establishing or decommissioning an airport traffic control tower at an airport as a part of its mission to maximize safety and efficiency throughout the airport and airway system consistent with available resources. This regulation, if promulgated, would implement the requirements of recent legislation requiring the publication of criteria for navigational aids and airport traffic control towers as a Federal regulation. This rulemaking is significant because of statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22698
NPRM Comment Period End	07/08/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/25/89 (54 FR 22698)

Additional Information: Project No. APO-88-012R.

Agency Contact: Ward Keech, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 267-3312**

RIN: 2120–AC98

1857. + PROPOSED ESTABLISHMENT OF THE PHOENIX TERMINAL CONTROL AREA AND REVOCATION OF THE PHOENIX AIRPORT, AIRPORT RADAR SERVICE AREA; ARIZONA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/02/89	54 FR 23922
Correction to NPRM	06/28/89	54 FR 27306
Correction to NPRM	07/24/89	54 FR 30759
NPRM Comment Period End	08/01/89	

Next Action Undetermined

DOT—FAA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/02/89 (54 FR 23922)

Agency Contact: Betty W. Harrison, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9255

RIN: 2120–AD00

1858. + PROPOSED ESTABLISHMENT OF THE SALT LAKE CITY TERMINAL CONTROL AREA AND REVOCATION OF THE SALT LAKE CITY INTERNATIONAL AIRPORT, AIRPORT RADAR SERVICE AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/23/89	54 FR 26680
Correction to NPRM	07/21/89	54 FR 30633
NPRM Comment Period End	08/22/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/23/89 (54 FR 26680)

Agency Contact: Betty W. Harrison, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9255

RIN: 2120–AD02

1859. + PROPOSED ESTABLISHMENT OF THE MEMPHIS TERMINAL CONTROL AREA AND REVOCATION OF THE MEMPHIS AIRPORT, AIRPORT RADAR SERVICE AREA; TENNESSEE

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/26/89	54 FR 22844
NPRM Comment Period End	07/24/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/26/89 (54 FR 22844)

Agency Contact: Alton Scott, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9252

RIN: 2120–AD05

1860. ● + NAVIGATIONAL EQUIPMENT REQUIREMENT IN A TERMINAL CONTROL AREA, VISUAL FLIGHT RULES OPERATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action proposes to remove the navigational equipment requirement for operations conducted under visual flight rules in a terminal control area and recognizes the usefulness of other types of navigation equipment for visual flight rules operations. This proposal would codify existing practices into the Federal Aviation Regulations, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26782
NPRM Comment Period End	07/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/26/89 (54 FR 26782)

Agency Contact: Robert L. Laser, Air Traffic Rules Branch, Airspace-Rules/Aeronautical Information Div., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AD15

1861. ● + AIRBORNE LOW-ALTITUDE WINDSHEAR EQUIPMENT AND TRAINING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposed to amend the airborne low-altitude windshear equipment rule to (1) remove the requirement that windshear flight guidance be installed on older technology airplanes, (2) amend the provision allowing for an extended compliance period based on a phased airplane retrofit schedule, and (3)

provide for acceptance of alternative airplane equipment in the form of an approved airborne windshear detection and avoidance system.

This action is the result of information received in a petition for rulemaking submitted by the Air Transport Association (ATA) requesting that the FAA amend the windshear equipment rule to repeal the requirement that older airplanes be retrofitted with the flight guidance system.

This action solicited comments on the ATA petition and on the FAA's intention to (1) standardize windshear terminology and (2) allow the use of alternative predictive windshear detection and avoidance systems, when such technology is available.

This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34394
NPRM Comment Period End	09/18/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/02/89

Additional Information: Project No. AFS-77-232P.

Agency Contact: Gary Davis, Project Development Branch, Flight Standards Service, Department of Transportation, Federal Aviation Administration, **202 267-8096**

RIN: 2120–AD18

1862. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This is Notice 4 of a series of notices issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 9190
NPRM Comment Period End	09/19/88	53 FR 9190
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 03/14/88 (53 FR 9190)

Additional Information: Project No. ASW-82-004R.

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5117**

RIN: 2120–AA29

1863. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	
Final Action	01/16/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 12/03/84 (49 FR 47358); Regulatory Evaluation 01/16/90

Additional Information: Docket No. 24344. Project No. ANM-82-001R.

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2112**

RIN: 2120–AA47

1864. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

DOT—FAA

Final Rule Stage

Analysis: Regulatory Evaluation 10/03/83 (48 FR 45214)

Additional Information: Docket No. 23781. Project No. AVS-81-128R.

Agency Contact: Jean Casciano, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9683

RIN: 2120–AA50

1865. FATIGUE REQUIREMENTS FOR SMALL AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would adopt fatigue requirements for empennage, canard, tandem wing, and winglet/tip fin structures for airplanes certificated in the normal, utility, acrobatic, or commuter category. Service history, airworthiness directives, and field reports related to unsafe, or potentially unsafe, fatigue failures of empennage structural components on airplanes of these types have shown the need to consider empennage fatigue strength during type certification.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/86 (51 FR 33700); Regulatory Evaluation 10/02/89

Additional Information: The FAA is evaluating additional data obtained from NASA. This project was formerly titled Amend Part 23 to Include Empennage Fatigue Requirements. Project No. ACE-82-004R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120–AA58

1866. NATIONAL AIRSPACE REVIEW (NAR): TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This project would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area;" (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5055
ANPRM Comment Period End	06/06/85	50 FR 5055
To be Consolidated	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project ATO-200-83-17R (Docket # 24455). To be consolidated in RIN: 2120-AB95, Airspace Reclassification.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB02

1867. NIGHT-VISUAL FLIGHT RULES VISIBILITY AND DISTANCE FROM CLOUDS MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This proposal would establish standard visibility and cloud clearance minimums for night-visual flight rules operations. This rulemaking effort is the result of a recommendation of a nongovernmental aviation safety panel. This panel's recommendation sought to reduce the incidence of fatal aircraft accidents associated with night-visual flight rules flights in instrument flight rules conditions while in uncontrolled airspace.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/23/85 (50 FR 30124); Final Regulatory Evaluation 10/02/89

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 48 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 42 USC 4321 et seq; EO 11514, 49 USC 106(a), Revised Pub. L. 97-449, January 12, 1983. Regulatory Project ATO-200-83-16R (Docket # 24722).

Formerly entitled Nighttime VFR Weather Minimums.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB04

1868. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES, ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This action would establish requirements for the certification of electrical and electronic engine control systems. These control systems range from simple power or thrust trimming devices with full hydromechanical backup to full authority digital electronic controls with no mechanical backup. Although these types of control systems have been certificated under existing regulations, those regulations do not address specific requirements related to electrical and electronic engine controls such as engine supplied power and data, lightning protection, high energy radio frequency protection, and software verification/validation.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186); Final Regulatory Evaluation 10/02/89

Additional Information: Project No. ANE-83-001R.

Agency Contact: Cosimo J. Bosco, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 270-2492

RIN: 2120–AB06

1869. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action contemplates possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/87 (52 FR 17890)

Additional Information: Docket No 25213. Project No. ANM-83-039R.

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2135

RIN: 2120–AB46

1870. CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Significance: Nonsignificant

Legal Authority: 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: This notice proposes to amend the FAR Notice of Construction, Alteration, Activation, and Deactivation of Airports, in response to a recommendation of a National Airspace Review (NAR) task group and an FAA-initiated review of this regulation. The FAA believes that the proposed changes will enhance the safety and efficiency of the use of airspace and the safety of persons and property on the surface.

Timetable:

Action	Date	FR Cite
NPRM	10/04/88	53 FR 39062
NPRM Comment Period End	01/03/89	
Final Action	02/22/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/04/88 (53 FR 39062); Final Regulatory Evaluation 02/22/90

Additional Information: Regulatory Project ATO-200-86-13R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB74

1871. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This notice proposed to amend the Federal Aviation Regulations to provide helicopter instrument flight airworthiness standards for the approach and landing flight phases to permit flight at airspeeds below the normal minimum instrument flight speed. The FAA has carefully considered all of the comments received in response to this notice, the comments made at the public meeting, and the results of further research flight tests. As a result, the FAA has determined that additional study is required and this notice will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343
To be Withdrawn	01/19/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/86 (51 FR 21488)

Additional Information: Project No. ASW-84-003R.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, **817 624-5109**

RIN: 2120–AB87

1872. AMEND SECTION 43.17 TO ALLOW FOR MAINTENANCE OF U.S. AERONAUTICAL PRODUCTS IN CANADA IN COMPLIANCE WITH THE U.S.-CANADIAN BILATERAL AIRWORTHINESS AGREEMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None

Abstract: This notice proposes to amend the regulations to provide for the acceptance of maintenance, preventive maintenance, and alterations accomplished on U.S. civil aeronautical products and components in Canada. This proposal is prompted by the airworthiness maintenance provisions contained in the U.S.-Canadian Bilateral Airworthiness Agreement and the Schedule of Implementation Procedures between the United States and Canada. The proposed amendment would provide for acceptance by the FAA of maintenance, preventive maintenance, and alterations performed on aircraft, engines, propellers, appliances, materials, parts, and other components which are transported from the United States to Canada and which are for installation on U.S.-registered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24304
NPRM Comment Period End	08/07/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/06/89 (54 FR 24304)

Additional Information: Project No. AVS-83-258R.

Agency Contact: Leo Weston, Aircraft Maintenance Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-8203**

RIN: 2120–AB89

1873. CONTROLLED AIRSPACE DESIGNATIONS IN INTERNATIONAL AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations. This issue will be subsumed in the broader airspace reclassification proceeding and will be consolidated therein.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798
To be Consolidated	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/29/85 (50 FR 30798)

Additional Information: Regulatory Project ATO-200-84-19R/ATO-200-84-7R. This action will be consolidated into RIN 2120-AB95, Airspace Reclassification.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9246**

RIN: 2120–AB93

1874. PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39852
NPRM Comment Period End	01/10/89	
Final Action	11/13/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/12/88 (53 FR 39852); Final Regulatory Evaluation 11/13/89

Additional Information: Project No. AVS-84-190R.

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-3752**

RIN: 2120–AC08

1875. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE NO. 5

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49

USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 23; 14 CFR 91; 14 CFR 135

Legal Deadline: None

Abstract: This notice is one of a series of notices that proposes to adopt new and amended airworthiness standards for small airplanes. It also proposes to amend the flight instrument requirements in the general operating rules and the operating rules for air taxi and commercial operators. This particular notice proposes amended design requirements for complex systems critical for safety in small airplanes and amended requirements for locating certain instruments, including new technology electronic display indicators. It proposes to add a new airworthiness standard for electronic display instruments. It also includes related changes to the general and air taxi operating rules to allow a third attitude indicator in lieu of a rate-of-turn indicator.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9338
NPRM Comment Period End	07/05/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/89 (54 FR 9338)

Additional Information: Formerly entitled Part 23 Airworthiness Review Notice 5 (Equipment, Systems, and Installation).

Project No. ACE-85-006R.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-5688

RIN: 2120–AC14

1876. SMALL AIRPLANE AIRWORTHINESS REVIEW PROGRAM NOTICE 2

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g)

CFR Citation: 14 CFR 1; 14 CFR 23

Legal Deadline: None

Abstract: This notice is one of a series of notices that proposes to adopt new and amended airworthiness standards for small airplanes which are based on certain proposals discussed at the Small Airplane Airworthiness Review Conference held on October 22-26, 1984, in St. Louis, Missouri. These new and amended airworthiness standards result in the need for new definitions to be added to the regulations, and this notice also proposes the addition of those definitions. The proposals in this notice reflect advancements in technology being incorporated in current designs, permit type certification of spin resistant airplanes, and reduce the regulatory burden in showing compliance with some of the requirements while maintaining the standards governing the design and type certification of small airplanes as may be required in the interest of safety.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9276
NPRM Comment Period End	07/05/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/89 (54 FR 9276)

Additional Information: Formerly entitled Part 23 Airworthiness Review, Notice 2.

Project No. ACE-84-010R.

Agency Contact: Ervin E. Dvorak, Standards Office, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-5683

RIN: 2120–AC15

1877. IMPROVED STRUCTURAL REQUIREMENTS FOR PRESSURIZED CABINS AND COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend Part 25 of the Federal Aviation Regulations (FAR) to upgrade the structural requirements for transport category airplane pressurized cabins by (1) amending the criteria for evaluation of the secondary effects of openings in the pressure vessel, and (2) extending the area of consideration to include openings anywhere within the pressure vessel. The required opening sizes to be considered would not be changed. The proposal is the result of an FAA review of the pressurized cabin load requirements and is intended to make the pressurized cabin load requirements less design-dependent and more objective. It would require evaluation of openings in any pressurized compartment and examination of the effects of differential pressure loads on any critical structure inside or outside of the pressurized cabin.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8742
Correction to NPRM	05/19/88	53 FR 18022
NPRM Comment Period End	07/14/88	
Final Action	12/26/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/16/88 (53 FR 8742); Final Regulatory Evaluation 12/26/89

Additional Information: Project No. ANM-86-005R.

Agency Contact: James Haynes, Policy and Procedures Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2113

RIN: 2120–AC44

1878. REALIGNMENT OF RESTRICTED AREAS IN THE EGLIN AFB AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1348(a); EO 10854; 49 USC 106(g); 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 1510; 49 USC 1522; 49 USC 2402; 49 USC 2424

CFR Citation: 14 CFR 73; 14 CFR 93

Legal Deadline: None

Abstract: This revision proposes to realign restricted areas in the Eglin AFB area to increase the availability of airspace for civil users. In addition, to include certain portions of the realigned restricted areas, when not active in Section 93.81, Special Air Traffic Rule Airspace.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 517
NPRM Comment Period End	02/19/88	53 FR 517

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/88 (53 FR 517)

Additional Information: Regulatory Project No. ATO-200-87-11P

Agency Contact: Paul Gallant/Wayne Pierce, Air Traffic Control Specialists, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-9253**

RIN: 2120–AC63

1879. INDEMNIFICATION OF PUBLISHERS OF AERONAUTICAL CHARTS AND MAPS

Significance: Nonsignificant

Legal Authority: 49 USC 1519

CFR Citation: 49 CFR 15.10; 49 CFR 15.11; 49 CFR 15.12; 49 CFR 15.13; 49 CFR 15.14; 49 CFR 15.15; 49 CFR 15.16; 49 CFR 15.17

Legal Deadline: None

Abstract: This proposed action would revise 49 USC 1519 to provide for the filing of indemnity claims by publishers of aeronautical charts and maps, who are not presently encompassed in that section, provided they meet certain specified conditions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31608
NPRM Comment Period End	10/03/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31608)

Additional Information: This action is in response to an amendment of 49 USC 1519, which added a new section 1118 to the Federal Aviation Act of 1978, as amended.

Agency Contact: James S. Dillman, Assistant Chief Counsel, Litigation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3661**

RIN: 2120–AC73

1880. COMMUTER CATEGORY - RESPONSE TO FINAL RULE COMMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would respond to and resolve comments received in response to the final rule, request for comments, which was published January 15, 1987 (52 FR 1806).

Timetable:

Action	Date	FR Cite
Final Action	11/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. ACE-88-003R.

Agency Contact: Earsa L. Tanksley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SWtion, Washington, DC 20591, **816 426-6930**

RIN: 2120–AC77

1881. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to amend the Federal Aviation Regulations to add a new standard for transport category airplanes which would provide lightning protection requirements for installed electrical and electronic systems. This proposal is the result of increasing concern for the vulnerability of these systems to the indirect effects of lightning. It seeks to promulgate specific lightning protection requirements for electrical systems which perform essential or critical functions.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	54 FR 23164
NPRM Comment Period End	09/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/30/89 (54 FR 23164)

Additional Information: Project No. ANM-86-014R.

Agency Contact: Gene Vandermolen, Transport Airplane Directorate, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2157**

RIN: 2120–AC81

1882. ● IMPLEMENTATION OF EQUAL ACCESS TO JUSTICE ACT

Significance: Nonsignificant

Legal Authority: 5 USC 504(c)(1); PL 99-80, Equal Access to Justice Act

CFR Citation: 14 CFR 14

Legal Deadline: None

Abstract: This notice would implement the Equal Access to Justice Act. The Act, which took effect on October 1, 1981, provides for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings under Section 554 of the Administrative Procedure Act. It requires agencies conducting proceedings under Section 554 to establish uniform procedures for making awards. This notice would set uniform procedures under the Equal Access to Justice Act for any adversary adjudication conducted pursuant to Section 554 by the FAA.

DOT—FAA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/17/89	54 FR 29978
NPRM Comment Period End	08/16/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan H. Horowitz, Manager, Enforcement Policy Branch, Regulations and Enforcement Division, Department of Transportation, Federal Aviation Administration, 202 267-3137

RIN: 2120–AD17

1883. ● ORGANIZATIONAL CHANGES AND DELEGATIONS OF AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1427; 49 USC 2101; 49 USC 2102; 49 USC 106(g); ...

CFR Citation: 14 CFR 11; 14 CFR 13; 14 CFR 15; 14 CFR 21; 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 67; 14 CFR 73; 14 CFR 77; 14 CFR 91; 14 CFR 93; 14 CFR 109; ...

Legal Deadline: None

Abstract: This action would adopt changes to office titles and certain terminology in the regulations that were affected by a recent agencywide reorganization. These changes will reflect delegations of authority that were changed, as well as offices that were renamed or abolished and replaced with new office designations. These changes are necessary to make the regulations consistent with the current agency structure.

Timetable:

Action	Date	FR Cite
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVS-86-230-R.

Agency Contact: Jean Casciano, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9683

RIN: 2120–AD24

1884. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 10/00/89 - 10/00/90.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120–AA63

1885. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 10/00/89 - 10/00/90.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9580

RIN: 2120–AA64

1886. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 10/00/89 - 10/00/90.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120–AA65

1887. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--240.

Timetable:

Action	Date	FR Cite
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

DOT—FAA

Final Rule Stage

Agency Contact: Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3075

RIN: 2120–AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1888. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action proposed various operational ceilings at Washington National Airport and contemplated future guidance on operation and development of National and Dulles Airports.

This action was superseded by the Metropolitan Washington Airports Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/28/83	48 FR 19174
NPRM Comment Period End	07/27/83	
SNPRM	06/14/84	49 FR 24626
SNPRM Comment Period End	07/16/84	
Withdrawn	12/03/86	51 FR 43585

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/14/84 (49 FR 24626)

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3491

RIN: 2120–AA89

1889. ● + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121

Legal Deadline: None

Abstract: On November 21, 1988, the FAA published a final rule requiring specified aviation employers and operators to submit and to implement anti-drug programs for personnel performing sensitive safety- and security-related functions. This final rule extends certain compliance dates and revises the method by which certain entities may be covered by anti-drug programs approved by the FAA. This document also makes minor editorial changes and clarifications to the final anti-drug rule to aid an employer's development of a program and implementation of an approved anti-drug program. These issues were addressed in the prior rulemaking actions that lead to promulgation of the final anti-drug rule. This rulemaking action is necessary to facilitate implementation of the final rule published on November 21, 1988. This rulemaking action is intended to clarify the requirements of the final anti-drug rule and to improve administration of the rule. Comments on this final rule were invited through May 15, 1989. A response to those comments will be published in the Federal Register. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/11/89	
Final Action	04/14/89	54 FR 15148

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Heidi Mayer, Drug Abatement Branch, Office of Aviation Medicine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3410

RIN: 2120–AC33

1890. + CERTIFICATION OF RECREATIONAL PILOTS AND ANNUAL FLIGHT REVIEW; REQUIREMENTS FOR RECREATIONAL PILOTS AND NON-INSTRUMENT-RATED PRIVATE PILOTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This final rule establishes a recreational pilot certificate. The recreational pilot certificate is intended to provide a lower cost alternative to the private pilot certificate by requiring less training than is currently required for private pilot certification. The recreational pilot certificate is intended for those persons interested in flying basic, experimental, or homebuilt aircraft in close proximity to a home airport while in airspace in which communication with air traffic control facilities is not required. The rule also establishes an annual flight review requirement for non-instrument-rated private pilots with fewer than 400 flight hours. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	50 FR 26286
NPRM Comment Period End	09/24/85	

DOT—FAA

Completed Actions

Action	Date	FR Cite
Final Action	03/29/89	54 FR 13028
Final Action Effective	08/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/25/85 (50 FR 26286); Regulatory Evaluation 03/29/89 (54 FR 13028)

Additional Information: Docket No. 24695. Formerly entitled Certification of Recreational Pilots and Annual Flight Review. Project No. AVS-82-173R.

Agency Contact: Edna French, General Aviation and Commercial Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3844

RIN: 2120–AA54

1891. + LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: This final rule revises noise certification standards to ensure that aircraft certificated within certain noise level groups or "stages" remain within those stages. This rule applies to large transport category aircraft and to turbojet powered aircraft regardless of category and prohibits modification of individual airplanes and whole airplane types which result in increased noise beyond the limits of an airplane's certificated stage. While the rule does not restrict airplane changes that result in decreased noise, it does prohibit any remodification of an airplane which would return it to its original noise level. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23144
NPRM Comment Period End	09/14/87	
Final Action	05/15/89	54 FR 21040
Final Action Effective	08/14/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/15/89 (54 FR 21040)

Additional Information: Project No. AEE-84-098R.

Agency Contact: Steven Albersheim, Environmental Specialist, Office of Environment and Energy, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB50

1892. + NOISE AND EMISSION STANDARDS FOR AIRCRAFT POWERED BY ADVANCED TURBOPROP (PROPFAN) ENGINES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Although this project was considered significant due to public interest, the FAA has decided, after consideration of the public comments submitted in response to ANPRM No. 87-2, to discontinue this rulemaking. The ANPRM sought public comments on the need for modifications to current noise and emission standards as they apply to the emerging generation of advanced turboprop (propfan) engines and the aircraft powered by them. At this time, further rulemaking action is inappropriate. Before the FAA can determine whether any additional standards and regulations are necessary to govern the noise characteristics of the advanced turboprop (propfan) engines, the agency must first conduct the analysis required by Sections 611(b)(2) and (d) of the Federal Aviation Act of 1958. Only after this analysis has been performed will the FAA be able to determine whether additional noise standards are necessary or appropriate. In order to perform this analysis in a timely manner, the FAA will seek to enter into a joint research effort with the National Aeronautics and Space Administration and industry. The results of this research will be made available for public comment.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/87	52 FR 8050
ANPRM Comment Period End	06/11/87	
Comment period extended to 10/01/87	07/20/87	52 FR 27304
Withdrawn	05/05/89	54 FR 19498

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard N. Tedrick, Office of Environment, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3577

RIN: 2120–AC20

1893. + LOCATION OF PASSENGER EMERGENCY EXITS IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This final rule establishes a new standard that limits the distance between emergency exits on transport category airplanes. This rule prohibits airplane manufacturers and air carriers from increasing the distance between emergency exits to more than 60 feet. Existing regulations do not limit the distance. This rule is intended to ensure an opportunity for safe passenger evacuation during an emergency, and for this reason, this rule is considered significant.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39190
NPRM Comment Period End	12/21/87	
Final Action	06/23/89	54 FR 26688

Action	Date	FR Cite
Final Action Effective	07/24/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/23/89 (54 FR 26688)

Additional Information: Project No. AVS-86-271R.

Agency Contact: Arthur Hayes, Aircraft Engineering Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9937

RIN: 2120–AC29

1894. ● + TERMINAL CONTROL AREA (TCA) CLASSIFICATION AND TCA PILOT AND NAVIGATIONAL EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: On October 14, 1988, the FAA published a final rule on TCA Classification and TCA Pilot and Navigational Equipment Requirements. That final rule required, among other things, all aircraft operating in a TCA to be equipped with Very High Frequency Omnidirectional Range (VOR) or Tactical Air Navigation (TACAN) equipment, eliminating the previous exclusion for helicopters effective July 1, 1989. This action delays the effective date of the navigational equipment requirement for helicopter operations in a TCA until January 1, 1990. The FAA by separate action intends to propose to amend the regulations requiring VOR or TACAN navigational equipment only for aircraft conducting operations under IFR. Consequently, the FAA is delaying the effective date of the TCA navigational equipment requirement for 180 days. This delay is necessary to allow interested parties to comment on the related equipment proposal and to delay purchase of equipment should that proposal be adopted.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/06/89	
Final Action	06/09/89	54 FR 24882

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert L. Laser, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8783

RIN: 2120–AC35

1895. ● + SECURITY PROGRAM FOR FOREIGN AIR CARRIERS

Significance: Agency Priority

Legal Authority: 49 USC 1345(a); 49 USC 1346; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1502; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 129

Legal Deadline: None

Abstract: This final rule requires foreign air carriers that land or take off in the United States to submit to the Administrator for approval a written security program that describes the procedures, facilities, and equipment used by foreign air carriers to provide for the protection of persons and property traveling in air transportation against acts of criminal violence and air piracy. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34874
NPRM Comment Period End	11/07/88	
Final Action	03/16/89	54 FR 11116
Final Action Effective	04/17/89	
Notice of Implementation Policy	06/15/89	54 FR 25551

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/16/89 (54 FR 11116)

Additional Information: A final rule was published on March 16, 1989. On June 15, 1989, the FAA published a notice which sets forth an implementation policy regarding the final rule. The policy statement stated that with respect to that portion of a proposed security program dealing with identified airports that are a last point of departure to the United States, a foreign air carrier may submit a proposed security program that either specifies the procedures implemented for its operations to the United States at those airports or refers the FAA to the appropriate government authorities that implement those procedures.

Agency Contact: David Smith, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3466

RIN: 2120–AC42

1896. + COCKPIT VOICE RECORDERS (CVR) AND FLIGHT RECORDERS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g); ...

CFR Citation: 14 CFR 23; 14 CFR 25; 14 CFR 27; 14 CFR 29; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: The FAA amends its regulations to require digital flight data recorders and cockpit voice recorders (CVR) to be installed in a broad category of airplanes and rotorcraft operated by air carriers and commuters, as well as in selected aircraft operated in general aviation. The amendments are in response to legislation which mandates the FAA to amend its flight recorder and CVR requirements in accordance with recommendations from the National Transportation Safety Board. The intent of this rulemaking is to provide more information to accident investigators in determining the causes of accidents and the measures needed to correct the causes. In addition, the FAA requested comments on the general aviation requirements. A disposition of those comments was published in the Federal Register. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4314
NPRM Comment Period End	03/28/88	53 FR 4314
Final Action	07/11/88	53 FR 26134
Correction to Final Action	08/16/88	53 FR 30838
Correction to Final Action	08/16/88	53 FR 30906
Final Action Effective	10/11/88	
Disposition of comments	07/07/89	54 FR 28769

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/11/88 (53 FR 26134)

Additional Information: Formerly entitled Commuter Category Airplanes: Cockpit Voice Recorder (CVR) and Flight Data Recorder (FDR) Requirements. Project No. AVS-87-145R.

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120–AC48

1897. ● + TRANSPONDER WITH AUTOMATIC ALTITUDE REPORTING CAPABILITY REQUIREMENT

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; ...

CFR Citation: 14 CFR 91

Legal Deadline: Final, Statutory, June 30, 1988.

Abstract: This rulemaking requires a transponder and automatic altitude reporting equipment in terminal airspace of certain airports where air traffic control radar service is provided. Implementation will be in two phases: Phase I, effective June 1, 1989, requires a transponder with Mode C at and above 10,000 feet MSL, and within 30 miles of TCA primary airports. Balloons, gliders, and aircraft without an electrical system are excluded when operating outside a TCA below the altitude of the TCA ceiling and when operating between 10,000 and 18,000 feet MSL. Phase II, effective December 30, 1990, implements a transponder with Mode C requirement in and above the airspace of an ARSA up to 10,000 feet. This rulemaking was significant because of substantial public interest and statutory requirement.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4306
Comment period extended to 05/12/88	03/24/88	53 FR 9758
NPRM Comment Period End	03/28/88	
Final Action	06/21/88	53 FR 23356
Correction to Final Rule	07/01/88	53 FR 25050
Correction to Final Rule	07/14/88	53 FR 26592
Final Action Effective	07/21/88	
Delay of Effective Dates	06/16/89	54 FR 25680
Policy Statement	06/30/89	54 FR 27836

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/21/88 (53 FR 23356)

Additional Information: This final rule was published on June 21, 1988. On June 30, 1989, the FAA published a policy statement which allows operators flexibility while transitioning to this rule. This policy statement was necessary because many pilots delayed their decision to purchase the required equipment pending the outcome of the FAA's decision on a petition for rulemaking which would affect this final rule. Considering that the petition was denied only 14 days prior to the implementation date of this final rule, the FAA believed it was necessary to issue the policy statement.

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9245

RIN: 2120–AC66

1898. + PARTS 121/135 TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATION

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would propose to improve aircrew performance in air carrier and commuter operations by establishing a core of training requirements to include cockpit resource management (CRM) training, airman upgrade training, milestone schedules for training, criteria for training centers, etc. This rulemaking, which is considered significant because of its safety implications, is a duplicate of RIN 2120-AC79 and is therefore deleted from the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated Duplicated in RIN 2120-AC79	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Formerly entitled Advanced Qualification Program. Project No. AXR-88-301R.

Agency Contact: David Catey, Air Transportation Division, Flight Standards Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8094

RIN: 2120–AC80

1899. ● + SMOKING ABOARD AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: Final, Statutory, April 23, 1988.

Abstract: This rule requires the "no smoking" sign to be turned on at all times on scheduled airline flights, except for flights between the United States and other countries, which are scheduled to be two hours or less in duration. This rule carries out a ban on

smoking on such flights mandated by PL 100-202. This rule also makes minor changes in other related sections of Parts 121 and 135 which affect smoking aboard air carrier aircraft during flights not covered by a total ban. Smoking in lavatories is prohibited on all air carrier flights. Also, the required passenger briefing must include more detailed instructions on smoking, including all of these changes and the new statutory ban on tampering with smoke alarms in aircraft lavatories. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	04/13/88	53 FR 12358
Final Action Effective	04/23/88	
Correction to Final Rule	04/26/88	53 FR 14888
Correction to Final Rule	11/02/88	53 FR 44182
Disposition of Comments	05/26/89	54 FR 22872

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/13/88 (53 FR 12358)

Additional Information: Due to the congressional mandate, the rule went into effect on April 23, 1988. Because of the early effective date, the FAA did not have sufficient time to issue a notice of proposed rulemaking and receive comments from the public. Therefore, post-effective date comments were invited from the public. The comment period closed on May 31, 1988; however, the FAA addressed comments received through December 31, 1988, in a disposition of comments which was published on May 26, 1989.

Agency Contact: Gary E. Davis, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AC83

1900. + HIGH DENSITY TRAFFIC AIRPORTS SLOT ALLOCATION AND TRANSFER METHODS

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: Other, Statutory, June 30, 1989.
As mandated by PL 100-457.

Abstract: This final rule makes several technical amendments to the regulations pertaining to allocation and transfer of air carrier and commuter operator slots (i.e., allocated instrument flight rules take-off and landing reservations) at Kennedy International Airport, LaGuardia Airport, O'Hare International Airport, and Washington National Airport. It provides that slots generally will not be withdrawn from carriers holding eight or fewer slots if the holding carrier itself operates the slots. It also changes the maximum passenger seating capacity for operations in "scheduled commuter" slots from less that 56 seats to less than 75 seats, and changes the definition of "summer" and "winter" season to conform to the current legal definition of Daylight Savings Time and Local Standard Time. This rulemaking was significant because of congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	12/22/88	53 FR 51628
NPRM Correction	01/10/89	54 FR 831
NPRM Correction	01/23/89	54 FR 3079
NPRM Comment Period End	02/06/89	
Final Action	08/22/89	54 FR 34904
Final Action Effective	09/21/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/22/88 (53 FR 51628)

Agency Contact: David L. Bennett, Airspace and Environmental Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-3491

RIN: 2120–AC96

1901. + PROPOSED ESTABLISHMENT OF THE BALTIMORE, MARYLAND, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace user. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2120-AD01	07/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This project has been combined with RIN 2120-AD01, Proposed Establishment of the Washington Tri-Area Terminal Control Area and Revocation of the Washington, DC, Terminal Control Area and Airport Radar Services Areas at Baltimore-Washington International Airport, MD, and Dulles International Airport, VA.

Agency Contact: Jesse Bogan, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9253

RIN: 2120–AD06

1902. + PROPOSED ESTABLISHMENT OF THE CHARLOTTE TERMINAL CONTROL AREA AND REVOCATION OF THE CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT, AIRPORT RADAR SERVICE AREA; NORTH CAROLINA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action will increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this final rule is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/08/89	54 FR 19860
Correction to NPRM	05/18/89	54 FR 21526
NPRM Comment Period End	07/07/89	
Final Action	08/08/89	54 FR 32604
Final Action Effective	08/24/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/08/89 (54 FR 19860); Final Regulatory Evaluation 08/08/89 (54 FR 32604)

Agency Contact: Alton Scott, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9252

RIN: 2120–AD08

1903. ● + EXPLOSIVES DETECTION SYSTEMS FOR CHECKED BAGGAGE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: Final, Statutory, August 29, 1989.
Public Law 101-45

Abstract: This notice proposes to require domestic air carriers conducting scheduled or public charter operations with aircraft with a passenger seating configuration of more than 60 seats to use an explosives detection system, such as a thermal neutron analysis device, approved by the Administrator, to screen checked baggage. This rulemaking is considered significant because of substantial public interest and a statutory deadline.

Timetable:

Action	Date	FR Cite
NPRM	07/10/89	54 FR 28985
NPRM Comment Period End	08/07/89	
Final Action	09/05/89	54 FR 36938
Final Action Effective	10/05/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: RFA; Regulatory Evaluation 07/10/89 (54 FR 28985)

Additional Information: Project No. AXR-89-195R.

Agency Contact: Quinten T. Johnson, Civil Aviation Security Division, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8058

RIN: 2120–AD12

1904. ● + SECURITY DIRECTIVES AND INFORMATION CIRCULARS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1357; 49 USC 1358; 49 USC 1421; 49 USC 1424; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 108

Legal Deadline: None

Abstract: This final rule provides for the issuance of Security Directives and Information Circulars to enable air carriers and the security community to coordinate responses to threats against civil aviation. This rule also requires mandatory compliance with the countermeasures prescribed in Security Directives and prohibits the release of the information contained in both Security Directives and Information Circulars to unauthorized persons. This action is necessary to simplify and expedite existing procedures, to ensure that appropriate officials take specific measures to counter terrorism directed at civil aviation, and to prohibit the unauthorized disclosure of sensitive security information. This regulation is intended to increase protection of passengers and crewmembers traveling in air transportation and air commerce. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	07/10/89	54 FR 28982
Final Action Effective	07/10/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/10/89 (54 FR 28982)

Additional Information: The FAA has allowed a 30-day comment period for this final rule. That comment period ended August 9, 1989. Any comments received in response to the final rule will be addressed in a separate rulemaking document.

Project No. AXR-89-196R.

Agency Contact: Quinten T. Johnson, Civil Aviation Security Division, Office of Civil Aviation Security, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8058

RIN: 2120–AD14

1905. ● + AIR TRAFFIC CONTROL RADAR BEACON SYSTEM AND MODE S TRANSPONDER REQUIREMENTS IN THE NATIONAL AIRSPACE SYSTEM; TRANSPONDER WITH AUTOMATIC ALTITUDE REPORTING CAPABILITY REQUIREMENT

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1304; 49 USC 1348; 49 USC 1352; 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); ...

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action responded to a petition filed by the Experimental Aircraft Association, Aircraft Owners and Pilots Association, and Helicopter Association International concerning Mode S and Mode C transponder requirements. The Mode S transponder aspect of that petition was partially granted with a final rule that revised the dates associated with the installation of Mode S transponders. This final rule allows certain aircraft operators to install non-Mode S

transponders in aircraft until July 1, 1992, instead of until January 1, 1992, provided that such transponders are manufactured prior to January 1, 1991, instead of prior to January 1, 1990. A manufacturer's comment to the petition which cited a delay in the production of general aviation type Mode S transponders necessitated this final rule action. This action also denied that portion of the petition concerning Mode C transponders. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Summary of Petition for Rulemaking	12/28/88	53 FR 52428
Final Action	06/16/89	54 FR 25680
Final Action Effective	06/16/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Reginald C. Matthews, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 25091, 202 267-3479

RIN: 2120–AD22

1906. REVIEW PART 75 FOR RETENTION OR REVOCATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g)

CFR Citation: 14 CFR 75

Legal Deadline: None

Abstract: This action will review Part 75 per National Airspace Review Recommendations toward revocation and establish nonrulemaking procedures for handling jet route actions.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Regulatory Project No: ATO-200-84-24R

Agency Contact: A. Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8781

RIN: 2120–AC55

1907. PART 91, SUBPART B, REVIEW FOR SIMPLIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The agency set up a National Airspace Review Task Group for the review of 14 CFR Part 91, Subpart B. This action will cover the recommendations made by the group.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 49 USC 4321 et seq: EO 11514; 49 USC 106(g) Revised Pub L 97-449 January 12, 1983 Regulatory Project ATO-200-85-28R.

Agency Contact: Richard Kagehiro, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AA07

1908. REVISION OF PART 91

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This amendment reorganized and realigned the general operating and flight rules to make them more understandable and easier to use. Also, several changes were made to provide more flexibility for certain operations. These changes resulted from comments received from the general public and aviation industry in response to a request for specific comments to help identify substantive areas needing review.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	
Final Action	08/18/89	54 FR 34284
Final Action Effective	08/18/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/10/81 (46 FR 45256)

Additional Information: Docket No. 18334. Project No. AFS-78-303R.

Agency Contact: Marion Clemens or Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120–AA13

1909. FLIGHT ENGINEER TRAINING

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

This Project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 22781.

Formerly titled Accelerated Ground Training - Flight Engineers' Skill Requirements.

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AA79

1910. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: This proposed action would revise several sections of Part 135 dealing with instrument flight rules. The proposed rule would: (1) permit IFR operations enroute with a VFR buffer zone underneath the cloud ceiling by permitting an IFR approach at destination; (2) change IFR takeoff minimums at U.S. military airports to be compatible with U.S. civil airport requirements; and (3) provide driftdown standards during enroute operations in IFR conditions in multiengine aircraft.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AA82

1911. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None

Abstract: This action would delay an October 15, 1992, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Al Hodges, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8177

RIN: 2120–AA98

1912. ● PROTECTIVE BREATHING EQUIPMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: On June 3, 1987, the FAA published a final rule which amended the regulations applicable to protective breathing equipment (PBE). This final rule amends the compliance date for installing PBE and for training air carrier crewmembers in the use of PBE. The compliance date is extended from July 6, 1989, to January 31, 1990. This rule is necessary due to technical problems and delays in the certification of PBE and production problems experienced by several manufacturers of PBE. By extending the compliance date, air carriers will not be penalized for the supply problems caused by the delayed certification and production of PBE units.

Timetable:

Action	Date	FR Cite
Final Action	05/22/89	54 FR 22270
Final Action Effective	05/22/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Comments to the final action were due by 07/21/89.

Agency Contact: Gary E. Davis, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-8096

RIN: 2120–AB32

1913. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 101

Legal Deadline: None

Abstract: This review program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, and unmanned free balloons.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Part 91 revision would also be required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both Parts 91 and 101 with respect to balloon operations. Regulatory Project ATO-200-84-20R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB75

1914. ANTIBLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g), Revised PL 97-449, January 12, 1983; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Docket Number 23755. Regulatory Project ATO-200-84-2P

Agency Contact: Richard Kagehiro, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB92

1915. TYPE CERTIFICATION BASIS FOR PRODUCT TYPE DESIGN CHANGE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This action would have amended the Federal Aviation Regulations governing the certification procedures applicable to the type design approval of aircraft, aircraft engines, and propellers. This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	08/03/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Project No. AVS-85-127R.

Agency Contact: Lyle Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9568

RIN: 2120–AC05

1916. AIRCRAFT REGISTRATION; RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be

negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for registration of aircraft and recordation of conveyances affecting ownership of or interest in U.S. civil aircraft.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Project No. AVN-89-201I.

Agency Contact: Alonso J. Rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, **405 686-2296**

RIN: 2120–AC17

1917. TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 3101(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.91

Legal Deadline: None

Abstract: This proposal would amend Section 91.91 to prevent interference with ground or aerial search or investigation by nonparticipating aircraft.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983).

Regulatory Project No: ATO-200-87-9R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8783**

RIN: 2120–AC40

1918. GLOBAL POSITIONING SYSTEM USE IN TERMINAL CONTROL AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.90

Legal Deadline: None

Abstract: Adoption of this recommendation would allow aircraft operating in a Group I or II Terminal Control Area to be equipped with Global Position System (GPS), Very High Frequency Omnirange Station (VOR) or Tactical Air Navigation (TACAN) equipment.

This project is being removed from the agenda until the FAA's Regulatory Review Board, which establishes priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-17R

Agency Contact: A. Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-8783**

RIN: 2120–AC54

1919. PROPOSED REVISION OF PART 93, SUBPART O(JAX)

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: The purpose of this proposal is to lessen the burden on the flying public by reducing the lateral size of the existing Jacksonville, Florida, Navy Airport Traffic Area. This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Regulatory Project No. ATO-200-87-15R

Agency Contact: James Steenson, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence

Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC65

1920. ● SPECIAL FLIGHT RULES IN THE VICINITY OF THE GRAND CANYON NATIONAL PARK

Significance: Nonsignificant

Legal Authority: 49 USC 1348; PL 100-91

CFR Citation: 14 CFR 91; 14 CFR 135

Legal Deadline: None

Abstract: On June 02, 1988, the FAA published a final rule for the operation of aircraft in the airspace above the Grand Canyon up to an altitude of 14,500 feet above mean sea level, with an effective date of September 22, 1988. The regulations were adopted to comply with recent legislation requiring additional flight regulations based on the recommendations of the U.S. Department of the Interior. The FAA requested comments on the final rule at the time it was published. This action establishes a corridor into the airport on the Hualapai Indian Reservation and simplifies the configuration of a flight corridor in the vicinity of Dragon Butte in the central canyon.

Timetable:

Action	Date	FR Cite
Final Action	03/22/89	54 FR 11926
Final Action Effective	04/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Bennett, Regulations and Enforcement Division, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3491

RIN: 2120–AC70

1921. ● RULES OF PRACTICE FOR FAA CIVIL PENALTY ACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1345(a); 49 USC 1354(a); 49 USC 1374(a); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a); 49 USC 1482(b); 49 USC 1482(c); 49 USC 1484 to 1489; 49 USC 1475; 49 USC 1655(c)

CFR Citation: 14 CFR 13

Legal Deadline: Other, Statutory, December 30, 1989.
Authority to assess civil penalties and conduct on-the-record hearings terminates 12/30/89; FAA had to report to Congress by 06/30/89.

Abstract: This final rule revises the initiation procedures and provides new procedural rules regarding civil penalty assessment actions. This final rule provides procedures for one-the-record hearings required by Congress in civil actions not in excess of $50,000 assessed by the FAA.

Timetable:

Action	Date	FR Cite
Final Action	09/07/88	53 FR 34646
Final Action Effective	09/07/88	
Correction to Final Rule	10/06/88	53 FR 39404
Disposition of Comments	03/22/89	54 FR 11914

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/07/88 (53 FR 34646)

Additional Information: This final rule was published on September 7, 1988. Because the rules of practice are purely procedural and are necessary to govern on-the-record hearings required by statute, the FAA determined that notice and public comment procedures were impracticable, unnecessary, and contrary to the public interest. However, the FAA provided an opportunity for public comment on the final rule through November 7, 1988. A disposition of those comments was published in the Federal Register on March 22, 1989.

Agency Contact: Allan H. Horowitz, Manager, Enforcement Policy Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-3137

RIN: 2120–AC74

1922. AIRPORT RADAR SERVICE AREA (ARSA) CLARIFICATION - TWO-WAY RADIO COMMUNICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The purpose of this action was to clarify the intent of the two-way radio communications requirement of airport radar service areas. This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an agency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Project Number: ATO-200-88-18R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC89

1923. VERY HIGH FREQUENCY OMNIRANGE STATION (VOR) FEDERAL AIRWAY NO. 16, PART 93, SUBPART E

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: Subpart E was implemented to segregate aircraft departing/arriving Luke Air Force Base Federal Airway Victor 16 (V-16) from uncontrolled aircraft operating along that airway. The United States Air Force has recently established a military approach control unit at Luke Air Force Base. Petitioner believes there is no longer a valid reason to retain this part of the regulation since the Luke Air Force Base approach control exercises control over the subject airspace and is

aware of all activity in that area. Petitioner believes that safety has, therefore, been enhanced. This project is being removed from the Agenda until the FAA's Regulatory Review Board, which establishes the priorities and sets timetables for rulemaking projects, designates this project as an emergency top priority and establishes a timetable for a rulemaking action. When a timetable has been established, this project will be returned to the Agenda.

Timetable:

Action	Date	FR Cite
Action Terminated	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-88-3R.

Agency Contact: James Steenson, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC92

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Prerule Stage

1924. MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS: SELF-INSURANCE

Significance: Nonsignificant

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: The FHWA has determined that the issues associated with its authority to permit motor carriers to self-insure need to be examined in light of the insurance crisis affecting the motor carrier industry. The FHWA is seeking public comment from interested parties concerning self-insurance as a viable and effective mechanism for demonstrating financial responsibility as required by the Motor Carrier Act of 1980.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
SANPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 03/00/90

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating. This rulemaking action will further analyze the issues addressed in the interim final rule. After analyzing comments received to the 6/18/86 ANPRM, the FHWA has decided to issue a supplemental ANPRM in order to further explore the issues.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB65

1925. QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program. A supplemental ANPRM is being issued to request comments on the development of medical evaluation procedures and risk assessment procedures for insulin dependent diabetics.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	12/28/87	53 FR 45204
Comment Period Extended to 02/01/88	01/04/88	53 FR 42
Supplemental ANPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB91

1926. ● TRUCK LENGTH AND WIDTH EXCLUSIVE DEVICES

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 97-424, Sec 411; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA is requesting public comment on how, under Section 411(h) and 416(b) of the Surface Transportation Act of 1982 (STAA) (Pub. L. 97-424, 96 Stat. 2097), the Secretary may determine which safety or efficiency-enhancing devices are to be excluded when measuring the length and width of vehicles for compliance with federally mandated dimensions. The present system of employing rulemaking proceedings is too time-consuming and cumbersome to meet the needs of industry and is needlessly burdensome for FHWA. Therefore, a new approach will be proposed.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: None

DOT—FHWA

Prerule Stage

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mr. Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4029

RIN: 2125–AC30

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

1927. + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA has requested information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface Transportation Assistance Act of 1982 (STAA) as amended. A Supplemental NPRM will be published to request public comment on a report released by the Transportation Research Board (TRB) concerning issues relating to reasonable access. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 299
NPRM	12/30/88	53 FR 53006
NPRM Comment Period End	05/01/89	54 FR 53006
Comment Period Extended to 09/01/89	05/04/89	54 FR 19196
Supplemental NPRM	10/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/30/88 (53 FR 53006)

Additional Information: Additional agency contact: John F. Grimm (202) 366-4039.

Agency Contact: Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125–AB70

1928. + COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Significance: Regulatory Program

Legal Authority: PL 100-202, Sec 9105

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: This action will develop improved identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Such high technology "unique" identifiers, when and if incorporated into the Commercial Driver's License Information System and the related State information systems, would reduce still further the opportunities for a driver to fraudulently obtain multiple licenses and to conceal disqualifying offenses. Alternatives under consideration include, but will not be limited to, retinal eye scans and advanced fingerprint technologies. Potential costs will accrue to the States for startup and operation of the upgraded identification methods, and to drivers and/or employers for incremental licensing costs passed on to them by the States. Safety benefits are expected to flow from the more accurate identification of CDL applicants and tracking of CDL holders' offenses. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/89	54 FR 20875
ANPRM Comment Period End	07/14/89	54 FR 20875
NPRM	03/00/90	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 03/00/90

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125–AC24

1929. + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Significance: Agency Priority

Legal Authority: 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking document proposes revisions to the current requirements contained in 49 CFR 390.21 concerning the marking of motor vehicles. Three areas are being considered for possible revision: (1) the applicability of the marking requirements to all commercial motor vehicles operated in interstate commerce, (2) postcard type registration of motor carriers, and (3) the treatment of rental vehicles. The third area of concern is being considered in response to a request for interpretation filed by the Truck Rental and Leasing Association (TRALA). This rulemaking is considered significant because of the public interest in commercial motor-carrier safety.

Timetable:

Action	Date	FR Cite
ANPRM	07/17/89	54 FR 29912
ANPRM Comment Period End	09/15/89	
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/89

Additional Information: The rulemaking action identified by RIN 2125-AC29 and

entitled: "Federal Motor Carrier Safety Regulations; General; Rental Vehicle Leasing" has been merged into this rulemaking action.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC28

1930. ● + UNIFORM SYSTEM FOR HANDICAPPED PARKING

Significance: Agency Priority

Legal Authority: PL 100-641, Sec 3; PL 100-17, Sec 262; PL 98-78, Sec 231; 23 USC 315

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The FHWA and NHTSA are considering the establishment of an advisory committee to develop a report which includes a recommended rulemaking proposal concerning a uniform system for handicapped parking. The committee would develop its recommendation using a negotiation process. The committee would be comprised of persons who represent the interests affected by handicapped parking regulations. The regulations would address: the use of the International Symbol of Access on Handicapped plates and placards; fees for plates and placards; and the recognition of out-of-State handicapped plates and placards. It is intended that the problems facing the handicapped traveler would be greatly reduced. Due to the nationwide interest in this issue, this rulemaking action is considered significant.

Timetable:

Action	Date	FR Cite
Notice of Intent to Form Advisory Committee for Reg. Negotiation	06/12/89	54 FR 24908
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 11/00/89

Additional Information: The contact person in NHTSA is Mr. E. William Fox, who can be reached at 202 366-1834. A first meeting was tentatively scheduled for 8/21/89 for an advisory committee.

Agency Contact: Mr. Vincent J. Nowakowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2146

RIN: 2125–AC39

1931. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	01/29/81	46 FR 9642
NPRM Comment Period End	03/30/81	
SNPRM	08/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 08/00/90

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AA19

1932. REVIEW AND PREEMPTION OF STATE MOTOR-CARRIER SAFETY REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC App. 2507; 49 USC App. 2508

CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 394; 49 CFR 395; 49 CFR 396; 49 CFR 397; 49 CFR 398; 49 CFR 399

Legal Deadline: None

Abstract: Sections 207-209 of the Motor Carrier Safety Act of 1984 establish a process whereby any State law or regulation pertaining to commercial motor vehicle safety in interstate commerce will be reviewed and analyzed by the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel). The Safety Panel is to determine if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal Motor Carrier Safety Regulations. Based on the determination of the Safety Panel, the Secretary is to initiate a rulemaking proceeding to determine if such a law or regulation may remain in effect and enforced. This notice of proposed rulemaking is the initial rulemaking action for any possible preemptive action by the Secretary. It will contain alternatives for comment on ways the Secretary may satisfy the requirements of section 208 of the Act. Section 9109 of the Truck and Bus Safety and Regulatory Reform Act of 1988 extends the deadline for Secretarial preemption under certain conditions until no later than 10/30/91.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: Thomas Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC11

1933. CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job

training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades. This project was formerly entitled Equal Employment Opportunity on Federal and Federal-Aid Contracts (including Support Services).

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
SNPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/22/82 (47 FR 52470)

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 420. Therefore, the proposed rulemaking action explained under the entry (RIN No. 2125-AB27) formerly located in the "Proposed Rule Stage" portion of the agenda has been merged with this rulemaking action.

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1587

RIN: 2125–AB15

1934. ADMINISTRATION OF ENGINEERING AND DESIGN RELATED SERVICE CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402; 23 USC 112(b); 23 USC 302

CFR Citation: 23 CFR 172

Legal Deadline: None

Abstract: Revisions to the existing regulation will be made to standardize the minimum requirements by including FHWA's interpretation of OMB Circular A-102 requirements. Inclusion of OMB Circular A-102 as an appendix to the regulations will be deleted. This rulemaking action will also address the changes to the selection procedures as required by section 111(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 03/00/90

Additional Information: A 60-day comment period will be provided. This project was formerly entitled: Administration of Contracts.

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125–AB30

1935. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; PAPERWORK BURDENS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2503

CFR Citation: 49 CFR 350 to 399

Legal Deadline: None

Abstract: By this rulemaking, the FHWA will be considering ways to reduce paperwork burdens imposed on motor carriers subject to the requirements of the Federal Motor Carrier Safety Regulations (49 CFR 350-399). Changes are being considered in accordance with the requirements of the Paperwork Reduction Reauthorization Act of 1986. This Act requires the agencies to set goals to reduce the paperwork burden imposed on motor carriers by 20 percent by September 30, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	04/17/89	54 FR 15232
ANPRM Comment Period End	07/17/89	54 FR 15232
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/90

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC04

1936. CONSTRUCTION ENGINEERING COSTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(e); 23 USC 114(a); 23 USC 115(b); 23 USC 120 to 122; 23 USC 315; PL 95-599, Sec 115(c); PL 100-17, Sec 114

CFR Citation: 23 CFR 140

Legal Deadline: None

Abstract: This rulemaking document will implement provisions mandated by section 114 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 114 revised 23 USC 121(d) by eliminating the 10-percent limitation on construction engineering (CE) costs and increasing the limitation to 15 percent of actual costs of construction excluding costs of right-of-way, preliminary engineering, and CE.

Timetable:

Action	Date	FR Cite
NPRM	08/25/89	54 FR 35354
NPRM Comment Period End	10/24/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 08/25/89 (54 FR 35354)

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2853

RIN: 2125–AC09

1937. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 100-17, Sec 126; PL 100-17, Sec 146

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-

way regulations to improve the organization of the subject matter and update the content. This action will also implement sections 126 and 146 (airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/90

Additional Information: The rulemaking actions consolidated in this action are: 1) a proposed rule entitled "Right-of-Way" which appeared in the Agenda under RIN 2125-AB58 and 2) a proposed rule entitled "Property Management; Disposals and Airspace" which appeared in the Agenda under RIN 2125-AB60. Those entries have been consolidated into this rulemaking.

Agency Contact: Douglas Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AC17

1938. ENVIRONMENTAL IMPACT AND RELATED PROCEDURES; CONSTRUCTIVE USE

Significance: Nonsignificant

Legal Authority: 23 USC 315; 49 USC 303

CFR Citation: 23 CFR 771

Legal Deadline: None

Abstract: The need for rulemaking in this area has been caused by recent court decisions. The courts have delayed or halted several important Federal-aid highway projects on the grounds that the proximate effects or impacts from a given highway would constructively use land from a park or historic site. In each instance the FHWA had determined that there existed no constructive use. This determination was based on an analysis of proximity impacts and whether the impacts would substantially impair the functions or values which qualified the property for protection under Section 4(f) of the DOT Act. The FHWA has been operating under an informal policy directive on constructive use since 11/12/85. This rulemaking action would formalize existing policy on constructive use, and future court decisions would address the regulation rather than be based on ad hoc interpretations of specific project facts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 01/00/90

Agency Contact: Harter M. Rupert, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4093

RIN: 2125–AC18

1939. DESIGN STANDARDS FOR HIGHWAYS; AASHTO PUBLICATION; GEOMETRIC DESIGN OF HIGHWAYS AND STREETS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway Transportation Officials (AASHTO) is revising and updating the publication entitled " Policy on Geometric Design of Highways and Streets, AASHTO 1984." It is anticipated that this action will, after receipt of public comments on the proposed action, designate, in whole or in part, the revised AASHTO publication as being acceptable to the FHWA for application in the geometric design of highways and remove the out-of-date version from the acceptable list.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 09/00/90

Additional Information: The initial appearance of this entry in the agenda (4/89) made reference to another AASHTO publication entitled "A Policy on Design--Interstate System." This publication is being addressed in a separate rulemaking action under RIN #2125-AC34 entitled "Design Standards for Highways; Interstate System" and is located under the proposed rule section.

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1327

RIN: 2125–AC22

1940. INSPECTION, REPAIR AND MAINTENANCE; BRAKE INSPECTION

Significance: Nonsignificant

Legal Authority: PL 100-690, Sec 9110

CFR Citation: 49 CFR 393

Legal Deadline: Final, Statutory, December 31, 1990.

Abstract: The FHWA is requesting public comment concerning the development and implementation of Federal standards or methods to ensure that brakes and brake systems of commercial motor vehicles are properly maintained and inspected. This action is required by Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Pub. L. 100-690, 102 Stat. 4181).

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5518
ANPRM Comment Period End	04/04/89	
NPRM	12/00/89	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5518)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC25

1941. PARTS AND ACCESSORIES FOR SAFE OPERATION; EMERGENCY WARNING DEVICES

Significance: Nonsignificant

DOT—FHWA

Proposed Rule Stage

Legal Authority: PL 100-690, Sec 9106

CFR Citation: 49 CFR 393

Legal Deadline: Final, Statutory, October 31, 1989.
Final action must be taken by 10/31/89.

Abstract: The FHWA is requesting comments on several issues relating to the appropriate use of emergency warning devices for commercial motor vehicles in response to Section 9106 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Pub. L. 100-690, 102 Stat. 4181). Issues include the use of fuses as an alternative or supplement to bidirectional emergency reflective triangles, as well as all aspects of emergency warning devices, including the type allowed and exemptions and/or condition for use.

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5516
ANPRM Comment Period End	03/20/89	
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5516)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 266-2981

RIN: 2125–AC26

1942. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; COMMERCIAL MOTOR VEHICLE DEFINITION

Significance: Nonsignificant

Legal Authority: 49 USC 2391 to 2404; 49 USC App 2505; 49 USC 3102

CFR Citation: 49 CFR 350; 49 CFR 390

Legal Deadline: None

Abstract: The FHWA is addressing the issue of the gross vehicle weight rating (GVWR) criterion used to define a "commercial motor vehicle" subject to the Federal Motor Carrier Safety Regulations (FMCSR's). The FHWA is specifically seeking public comment on the enforcement and regulatory capability regarding the rating.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/89	54 FR 7224
Comment Period Extended to 06/19/89	04/03/89	54 FR 13391
ANPRM Comment Period End	04/18/89	54 FR 25484
Comment Period Extended to 11/03/89	06/15/89	54 FR 25484
NPRM	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 02/17/89 (54 FR 7224)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC27

1943. ● DESIGN STANDARDS FOR HIGHWAYS; REFERENCE MATERIAL; ROADSIDE DESIGN GUIDE

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway and Transportation Officials (AASHTO) has approved and published a document entitled "Roadside Design Guide" which superseded its 1977 "Guide for Selecting, Locating and Designing Traffic Barriers." The Federal Highway Administration (FHWA) is proposing to replace references to the latter document in 23 CFR Parts 625 and 645 with references to the 1989 "Roadside Design Guide." Further, the FHWA is soliciting comments on whether the "Roadside Design Guide" should be considered in whole or in part or modified in any way for application to Federal-aid projects.

Timetable:

Action	Date	FR Cite
Notice; Initiation of Rulemaking	01/12/87	52 FR 1200
Notice; Rulemaking Status	02/09/88	53 FR 3757
NPRM	07/17/89	54 FR 29910
NPRM Comment Period End	10/25/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 07/17/89 (54 FR 29910)

Agency Contact: Mr. Richard D. Powers, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1320

RIN: 2125–AC32

1944. ● RULES OF PRACTICE FOR MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS PROCEEDINGS; PENALTIES FOR FAILURE TO COMPLY WITH NOTICES AND ORDERS ISSUED UNDER THE AUTHORITY OF 49 USC 521(B)

Significance: Nonsignificant

Legal Authority: 49 USC 2701 et seq; 49 USC 2501 et seq; 49 USC 104(c)(2); 49 USC 501 et seq; 49 USC 3101 et seq; 49 USC 1801 et seq

CFR Citation: 49 CFR 386

Legal Deadline: None

Abstract: This rulemaking action is intended to implement section 213(b) of the Motor Carrier Safety Act of 1984 by adding a penalty schedule to 49 CFR Part 386 applicable to failure to comply with notices and orders issued under the authority of section 521(b) of Title 49, United States Code. These penalties would apply in addition to other civil forfeiture assessments for violations of the Federal Motor Carrier Safety Regulations (FMCSR) charged in a Notice of Claim or Notice of Investigation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/89

Agency Contact: Mr. Paul L. Brennan, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-0834

RIN: 2125–AC36

1945. ● TRUCK SIZE AND WEIGHT; DROMEDARY DECKS AND PLATES

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC App 2311 to 2313; 49 USC App 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking document proposed to amend current regulations to include dromedary decks and plates under the dromedary box provisions. This would preempt inconsistent State laws and regulations to permit truck tractors equipped with dromedary decks or plates having the capacity to carry cargo that were in legal use on December 1, 1982, to continue to operate throughout their useful lives. Proof of such legal use would continue to rest with the operator of the equipment.

Timetable:

Action	Date	FR Cite
NPRM	08/24/89	54 FR 35199
NPRM Comment Period End	10/23/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 08/24/89 (54 FR 35199)

Agency Contact: Mr. Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4029

RIN: 2125–AC37

1946. ● TRUCK SIZE AND WEIGHT; SADDLEMOUNT COMBINATIONS

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC App 2311 to 2313; 49 USC App 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: In response to a petition from the National Automobile Transporters Association (NATA) and its member companies dated 9/7/88, the FHWA proposes to amend 23 CFR 658.5 and 658.13 to regulate the overall length of driveaway saddlemount combinations and driveaway saddlemount and fullmount combinations. The proposed changes would increase the overall length limit from 65 to 75 feet and clarify that both saddlemount and saddlemount with fullmount automobile transporters are specialized equipment.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mr. Max Pieper, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4029

RIN: 2125–AC38

1947. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY; FOREIGN MOTOR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC 10927

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: This rulemaking action responds to Section 9112 of the Truck and Bus Safety and Regulatory Reform Act of 1988. Section 9112 states that the Secretary may issue regulations which permit foreign motor carriers and foreign private motor carriers providing transportation of property to meet the minimum levels of financial responsibility only during periods in which these carriers are providing transportation of property in the United States, rather than on a continuous basis.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 02/00/90

Agency Contact: Mr. Thomas Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC41

1948. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/89.

Timetable:

Action	Date	FR Cite
Total Actions Expected to End	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 12/00/89

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2184

RIN: 2125–AA37

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Final Rule Stage

1949. + PRIVATE CARRIAGE OF PASSENGERS

Significance: Regulatory Program

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 383; 49 CFR 390 to 393; 49 CFR 395; 49 CFR 396

Legal Deadline: None

Abstract: The FHWA is proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	02/17/89	54 FR 7362
NPRM Comment Period End	06/19/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7362)

Additional Information: This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB62

1950. + COMMERCIAL DRIVER'S LICENSE STANDARDS; DISQUALIFICATION

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App. 2505; PL 99-570, Title IX

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: None

Abstract: The FHWA is proposing to amend Parts 383 and 391 of the Federal Motor Carrier Safety Regulations (FMCSR's) to address certain questions that were posed in the final rule (Docket MC-125; Notice No. 87-06) published in the Federal Register on June 1, 1987. Specifically, in this document the FHWA proposes to define "excessive speeding," "reckless driving" and "other serious traffic violations." The FHWA also proposes to amend the subject parts to clarify or make minor revisions. Because of the public interest in the issue of commercial motor vehicle safety and the expected benefits of improved transportation safety, this action is considered significant under the regulatory policies and procedures of the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 5036
NPRM Comment Period End	04/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 01/31/89 (54 FR 5036)

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4001

RIN: 2125–AC19

1951. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to States and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	53 FR 35178
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35178)

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4836

RIN: 2125–AB10

1952. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This revision will update and simplify existing Federal-aid contract procedures. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36645
NPRM Comment Period End	10/17/78	
SNPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/00/90

Agency Contact: William Weseman, Department of Transportation, Federal

DOT—FHWA

Final Rule Stage

Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AA18

1953. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None

Abstract: The FHWA considered amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA also considered eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas. Based upon a further review, the FHWA has determined that no further action is required at this time. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120
To Be Withdrawn	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA27

1954. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None

Abstract: The FHWA had considered a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. However, after further review it has been determined that no further action by the FHWA is needed in this area. Therefore, the 11/18/82 ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904
To be withdrawn	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA36

1955. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: The proposed rule was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
To be withdrawn	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip L. Thompson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125–AB05

1956. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315; PL 100-17, Sec 117(e)

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. This action will revise existing regulations and implement section 117 (e) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17). Section 117 (e) allows a State to contribute more State and/or local funds to a Federal-aid project under the minimum required by Title 23 of the United States Code.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
ANPRM Comment Period End	10/01/84	
Interim Final Rule	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 03/00/90

Agency Contact: James M. Overton, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125–AB18

1957. ADVANCE CONSTRUCTION OF FEDERAL-AID PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320; PL 100-17, Sec 113

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: The FHWA is revising its regulations relating to the advance construction of Federal-aid highway projects. The revisions incorporate new provisions mandated by section 113 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). The procedures allow States to advance the construction of Federal-aid highway projects without requiring that Federal funds be obligated at the time the FHWA approves the project.

DOT—FHWA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24715
NPRM Comment Period End	08/08/89	54 FR 24715
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 06/09/89 (54 FR 24715)

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-2853**

RIN: 2125–AC07

1958. PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 5 USC 552; 31 USC 9701; 49 USC 322

CFR Citation: 49 CFR 7

Legal Deadline: None

Abstract: This action amends Appendix D of the final rule published on 8/11/88 at 53 FR 30265 regarding implementation of the Freedom of Information Act by FHWA. The technical amendments are necessary in order to correct a typographical error, to remove unnecessary explanatory language, to add a paragraph on determinations to disclose records and grant or deny requests for fee waivers or reductions, and to conform paragraph designations.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Reg. Evaluation (Minimal Impact) 11/00/89

Agency Contact: Mr. John H. Schnackenberg, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-0534**

RIN: 2125–AC20

1959. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; EXEMPT INTRACITY ZONE; FOREIGN MOTOR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC App 2503; 49 USC 2505; 49 USC 3102; 49 USC 3104; 49 USC 504; PL 100-690, Sec 9102

CFR Citation: 23 CFR 390; 23 CFR 391; 23 CFR 393

Legal Deadline: None

Abstract: The FHWA is amending Parts 390, 391, and 393 of the Federal Motor Carrier Safety Regulations (FMCSRs). This action amends the intracity zone exemption to make it consistent with Truck and Bus Safety and Regulatory Reform Act of 1988 (the Act) (Title IX, Subtitle B of PL 100-690, 102 Stat. 4181). It also exempts certain foreign motor carriers from the provisions of 49 CFR Part 393 for a period of one year from the date of enactment of the Act (i.e., 11/18/89). The Act also requires the Secretary to report to Congress on the effects of the delayed application and recommend "on the extent to which foreign motor carriers may or should comply with all or any of the requirements of Part 393." To comply with the Congressional mandate, the FHWA is requesting comments from all interested parties on this issue.

Timetable:

Action	Date	FR Cite
Final Rule: Parts 390 and 391	03/24/89	54 FR 12200
Notice to Reopen Docket to 07/24/89	07/10/89	54 FR 28818
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 03/24/89 (54 FR 12200)

Additional Information: The final rule published on 3/24/89 (54 FR 12200) amended Parts 390, 391 and 393 of the FMCSRs to make the existing regulation consistent with Title IX, Subpart B of P.L. 100-690. The effective date for Parts 390 and 391 was 4/24/89. The effective date for Part 393 was 11/18/88. The final rule also requested public comment concerning future application of 393 to foreign motor carriers. The initial comment period closed on 6/22/89. A notice published on 7/10/89 at 54 FR 28818 reopened the docket until 7/24/89.

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-2981**

RIN: 2125–AC21

1960. ● DESIGN STANDARDS FOR HIGHWAYS; INTERSTATE SYSTEM

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is requesting comments on a proposed amendment to the design standards which apply to Interstate highway construction and reconstruction projects eligible to receive funding under the Federal-aid highway program. A revised publication approved by the American Association of State Highway and Transportation Officials (AASHTO) entitled "A Policy on Design Standards--Interstate System, AASHTO 1988" would be substituted for the previous version of these standards last revised June 20, 1967. If the Federal Highway Administration (FHWA) adopts the 1988 document, the new AASHTO publication would constitute the FHWA's policy on geometric design for all federally-assisted construction and reconstruction projects on the Interstate highway system.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30095
NPRM Comment Period End	09/18/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 07/18/89 (54 FR 30095)

Agency Contact: Mr. Seppo I. Sillan, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-1327**

RIN: 2125–AC34

DOT—FHWA

Final Rule Stage

1961. ● TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; OREGON

Significance: Nonsignificant

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC App 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This regulatory action proposes to modify the National Network for commercial motor vehicles by adding and deleting certain routes in Oregon. The National Network was established by the final rule on truck size and weight published at 49 FR 23302 on June 5, 1984. It is maintained under 23 CFR 658, Appendix A, as amended. The State of Oregon has requested the Federal Highway Administration (FHWA) to consider additions and deletions as authorized by the Surface Transportation Assistance Act (STAA) of 1982 (Pub. L. 97-424, 96 Stat. 2097).

Timetable:

Action	Date	FR Cite
Technical Amendments	06/05/89	54 FR 23976
NPRM	08/29/89	54 FR 35703
NPRM Comment Period End	09/28/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 10/00/89

Agency Contact: Mr. Richard A. Torbik, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-0233**

RIN: 2125–AC35

1962. ● NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; PAVEMENT MARKINGS

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 114(a); 23 USC 217; 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: This rulemaking action amends the Manual on Uniform Traffic Control Devices (MUTCD) to revise the definition of short-term pavement markings to provide the States with flexibility in providing temporary pavement markings in construction and maintenance areas. The MUTCD is incorporated by reference in 23 CFR 655, Subpart F and is recognized as the national standard for traffic control devices on all public roads. The amendment affects various parts of the MUTCD and is intended to expedite traffic, improve safety, and provide a more uniform application of highway signs, signals and markings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/00/89

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-2184**

RIN: 2125–AC40

1963. ● QUALIFICATION OF DRIVERS: WRITTEN EXAMINATIONS

Significance: Nonsignificant

Legal Authority: 49 USC App. 2503, 2505; 49 USC 3102; 49 USC 4104

CFR Citation: 49 CFR Subchapter B, Appendix C

Legal Deadline: None

Abstract: Due to amendments to the Federal Motor Carrier Safety Regulations (FMCSRs) which have occurred in the past few years, certain information and terminology currently found in the written examinations for drivers is no longer correct. Consequently, the FHWA is amending the written examination, which is given to driver applicants by motor carriers subject to the jurisdiction of the FHWA, to correct the examination's information and terminology. While the revisions are nonsubstantive in nature, they will improve the usefulness of the written examination.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Min. Impact) 12/00/89

Agency Contact: Tom Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2981**

RIN: 2125–AC42

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Completed Actions

1964. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; MAXI-CUBE

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2311(d); PL 99-591, Sec 324

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: An ANPRM had been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Upon further review, the FHWA has determined that no rulemaking action is required at this time. This rulemaking action has been withdrawn effective 7/10/89 (54 FR 29060).

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940

Action	Date	FR Cite
ANPRM Supplemental	02/28/86	51 FR 7085
Withdrawn	07/11/89	54 FR 29060

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AB48

1965. + LABOR AND EMPLOYMENT

Significance: Agency Priority

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This amendment would have revised the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would have precluded the inclusion of State prevailing wage rates which are higher than those determined by the Department of Labor in Federal-aid contracts. However, in light of the comments received as to the federalism implications and enforcement problems, the proposed amendment action was withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39137
NPRM Comment Period End	11/12/85	50 FR 39137
Withdrawn	08/21/89	54 FR 34529

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (minimal impact) 09/27/85 (50 FR 30137)

Agency Contact: Kathy Markman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0780

RIN: 2125–AB37

1966. + CERTIFICATION OF SPEED LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 315; PL 100-17, Sec 174

CFR Citation: 23 CFR 659

Legal Deadline: None

Abstract: The FHWA and the National Highway Traffic Safety Administration (NHTSA) have amended the regulations on certification of speed limit enforcement in order to streamline the sanction process and to take into account the provisions mandated by section 174 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 174 of STURAA amended 23 U.S.C. 154 by giving the States the authority to increase, without loss of Federal-aid funds, the maximum speed limit to no more than 65 miles per hour (mph) on certain Interstate System highways. A notice of proposed rulemaking was issued proposing revisions to the sanction process contained in 23 CFR Part 659. A separate final rulemaking action has been issued in order to provide the States the authority to adjust the speed sampling and analysis plan required for determining the level of 55 mph noncompliance.

Timetable:

Action	Date	FR Cite
Final Action Adjusting Sampling Plans	08/03/87	52 FR 28691
NPRM	03/11/88	53 FR 7943
NPRM Comment Period End	04/11/88	53 FR 7943
Final Action	06/16/89	54 FR 25565
Final Action Effective	07/17/89	54 FR 25565
Correction to Final Rule	08/11/89	54 FR 32967

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/16/89 (54 FR 25565)

Additional Information: This rulemaking action, as well as the final rule on sampling plans (Supplemental), are considered significant because of the substantial public interest involved.

Agency Contact: Sheldon G. Strickland, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1993

RIN: 2125–AC00

1967. + TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; SOUTH CAROLINA

Significance: Agency Priority

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 2311; 49 USC 2313; 49 USC App 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA was proposing to modify the National Network for commercial motor vehicles by deleting a certain route in South Carolina. The National Network was established by the final rule on Truck Size and Weight published at 49 FR 23302 on June 5, 1984. It is maintained under 23 CFR 658, Appendix A, as amended. However, the State then requested that the route not be deleted. Rulemaking was therefore terminated on April 24, 1989 at 54 FR 16372. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/88	53 FR 18859
NPRM Comment Period End	07/25/88	53 FR 18859
Action Terminated	04/24/89	54 FR 16372

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The NPRM was published as part of the entry under RIN 2125-AC10. Since additional information and data was needed to resolve the issue of deleting the route in South Carolina, the FHWA has separated the action on South Carolina from those actions that addressed routes in Iowa and Kentucky. Also, since the NPRM addressed routes in the States of Iowa and Kentucky, the NPRM was not withdrawn.

Agency Contact: Mr. Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125–AC23

1968. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; PL 97-424, Sec 129

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This revision was intended to expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. Upon further review, it has been determined that no further action was required. Therefore, the ANPRM was withdrawn by final notice on June 1, 1989 (54 FR 23489).

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
Withdrawn	06/01/89	54 FR 23489

Small Entities Affected: None

Government Levels Affected: State

Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation has been withdrawn.

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125–AA87

1969. STATE HIGHWAY AGENCY EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None

Abstract: The proposed revisions would have amended the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. Upon further review, FHWA determined that no further action was necessary. Therefore, the rulemaking action was terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	08/10/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Formerly entitled: State Highway Agency Construction Contracts; Equal Opportunity Compliance Review; Program Requirements.

Agency Contact: Glenn R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1587

RIN: 2125–AB08

1970. RIGHT-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 720

Legal Deadline: None

Abstract: The FHWA intends to publish an NPRM to update and reorganize its right-of-way regulations for the Federal-aid highway program. Subjects to be addressed include State highway agency responsibilities, authorizations, and reimbursement. These issues will be addressed in the proposed rulemaking under RIN 2125-AC17 which can be located in the proposed rule section.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2125-AC17	07/11/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AB58

1971. PROPERTY MANAGEMENT, DISPOSALS AND AIRSPACE

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 713

Legal Deadline: None

Abstract: The FHWA intends to issue an NPRM proposing to update its regulations on property management, disposal, and airspace relative to the Federal-aid highway program. This rulemaking action will reflect current departmental decisions and policies as well as recent legislative mandates. These issues will be addressed in the proposed rule under RIN 2125-AC17 which can be located under the proposed rule section.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2125-AC17	07/11/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AB60

1972. CONTRACT PROCEDURES; ADVERTISING FOR BIDS; NONCOLLUSION AFFIDAVIT/DECLARATION REQUIREMENT

Significance: Nonsignificant

Legal Authority: 23 USC 112 to 114; 23 USC 117; 23 USC 128; 23 USC 315; 31 USC 6506; 42 USC 3334; 42 USC 4601 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) revised its regulations on contract procedures regarding advertising for bids. The revised regulation will allow all bidders the option, on a Federal-aid highway project, to submit an unsworn noncollusion declaration, under penalty

of perjury under the laws of the United States, as an alternative to the sworn noncollusion affidavit requirement of the existing regulation.

Timetable:

Action	Date	FR Cite
Final Action	06/22/89	54 FR 26187
Final Action Effective	06/22/89	54 FR 26187

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 06/22/89 (54 FR 26187)

Additional Information: Since the revisions were minor administrative adjustments and required no change to FHWA procedures, this document was issued without a public comment period.

Agency Contact: William A. Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AC16

1973. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; RENTAL VEHICLE LEASING

Significance: Nonsignificant

Legal Authority: 49 USC 2905

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the Truck Rental and Leasing Association (TRALA). The FHWA is proposing to amend its commercial motor vehicle marking requirements to allow certain "rental vehicles" to be marked with the name and address of the rental company and the U.S. DOT identification number issued to the rental company in lieu of requiring the renting motor carrier to display its required identification information on the sides of the rental vehicle. This action will enhance the uniform identification of commercial motor vehicles operated on the nation's highways and aid enforcement officers in carrying out their duties. This rulemaking action will also reduce the marking burden placed on motor carriers which operate rental vehicles from time to time. This rulemaking action has been merged with the rulemaking action entitled: "Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking" (RIN #2125-AC28), in the prerule section of the Agenda.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2125-AC28	07/05/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mr. Thomas P. Koslowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC29

1974. ● DESIGN STANDARDS FOR HIGHWAYS; GUIDE SPECIFICATIONS FOR BRIDGE RAILINGS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The FHWA updated the guides and references list in 23 USC 625 by adding the American Association of State Highway and Transportation Officials (AASHTO) 1989 "Guide Specifications for Bridge Railings." Also, FHWA is considering a possible future rulemaking action related to bridge railing design and is requesting public comment on the AASHTO guide specifications, on their possible application as a standard rather than as a guide on Federal-aid projects, and on any other bridge railing design-related subjects.

Timetable:

Action	Date	FR Cite
Final Action	06/13/89	54 FR 25116
Final Action Effective	06/13/89	54 FR 25116

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 06/13/89 (54 FR 25116)

Additional Information: The comment period on bridge railing design will remain open until further notice.

Agency Contact: Mr. James H. Hatton, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1329

RIN: 2125–AC31

1975. ● COMMERCIAL DRIVER TESTING AND LICENSING STANDARDS; CANADIAN PROVINCES AND TERRITORIES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2505; PL 99-570, Title IX

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: This rulemaking document technically amended 49 CFR 383 by inserting into the regulatory text the Federal Highway Administrator's determination that commercial drivers' licenses issued by Canadian jurisdictions under the Canadian National Safety Code meet the commercial driver testing and licensing standards contained in 49 CFR Part 383. Accordingly, a commercial driver's license issued by a Canadian jurisdiction in conformity with the Canadian National Safety Code is considered to be the single commercial driver's license for operation in the United States by Canadian drivers. Also, a Canadian driver is prohibited from obtaining any driver's license from a State or other licensing jurisdiction of the United States. The actual letter of determination prepared by the Administrator appeared in a separate notice published on May 23, 1989 (54 FR 22392).

Timetable:

Action	Date	FR Cite
Final Action Effective	12/29/88	54 FR 22285
Notice of Determination	05/23/89	54 FR 22392
Final Action	05/23/89	54 FR 22285

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/23/89 (54 FR 22285)

Agency Contact: Ms. Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125–AC33

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

National Highway Traffic Safety Administration (NHTSA)

1976. + STANDARD 208; OCCUPANT CRASH PROTECTION - CHEST INJURY CRITERIA AND MANDATORY USE OF THE PART 572(E) DUMMY IN THE STANDARD COMPLIANCE TESTING

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Petitions for reconsideration have raised the question of whether the Part 572(E) dummy's chest deflection limit of 2 in. is appropriate for belt restraints. The rulemaking will address the petitioner's issues. The intention is to upgrade the chest-deflection injury criteria for unrestrained occupants when vehicles are tested for the Standard compliance with the Hybrid III Dummy. The Final Rule stated that the agency will have to resolve this issue by September 1, 1990. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Former title: Mandatory Use of the Part 572(E) Dummy in FMVSS 208 Compliance Testing.

RIN 2127-AC34, involving chest injury criteria, has been consolidated herein.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC13

1977. + ROLLOVER

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: Consumers Union petitioned for rulemaking to develop a new standard to protect against unreasonable risk of rollover. The petition was granted on September 1, 1988. This action is considered significant because of substantial public interest and safety factors involved.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC64

1978. + STANDARD 102; TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT-SLIPPAGE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: A petition is being considered which requests that an amendment be made which would require that automatic transmissions be designed so that they do not slip out of the PARK position. This issue is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC74

1979. + STANDARD 108; ID AND CLEARANCE LAMPS ON WIDE VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A rulemaking action is being considered which would amend the provisions for location of identification and clearance lamps on vehicles that are more than 80 inches wide. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC78

1980. + STANDARD 205; GLAZING MATERIALS, FILM TRANSMITTANCE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: A petition is being considered which requests that an amendment be made to the standard which would allow the applications of a film with 35% transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public interest expected to be generated.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking Granted	07/20/89	54 FR 30427
ANPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

DOT—NHTSA

Prerule Stage

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC85

1981. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	
End Review	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AA65

1982. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Standard 108 requires passenger cars sold after October 1, 1985, to be equipped with center high-mounted stop lamps (CHMSLs). NHTSA undertook a staff evaluation of the safety effectiveness, benefits, and cost of CHMSLs. A preliminary report was published in March 1987 and a final report in August 1989. Comments were requested, which will be considered before the review ends.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary Evaluation Report Published	03/20/87	52 FR 9609
Final Evaluation Report Published	08/04/89	54 FR 32153
End Review	06/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The evaluation report indicated that cars equipped with center high-mounted stop lamps were 17 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB76

1983. REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB78

1984. REVIEW: ROOF CRUSH RESISTANCE AND DOOR LOCKS AND DOOR RETENTION COMPONENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.206; 49 CFR 571.216

Legal Deadline: None

Abstract: This program was selected for review because of costs. The evaluation will study the effect of roof crush strength and door lock improvements on the crashworthiness of passenger cars in rollover crashes.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/31/90

Additional Information: Title was amended to add Door Locks and Door Retention Components.

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC20

1985. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multipurpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review

because of costs, safety benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
Evaluation Report Published	01/25/88	53 FR 2516
End Review	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/31/90

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB16

1986. STANDARD 301; FUEL-SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that, while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks.

Timetable:

Action	Date	FR Cite
End Review	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB43

1987. SUPPLEMENTAL FMVSS NO. 208 INJURY CRITERIA - FACIAL LACERATIONS, NECK INJURY, KNEE SHEAR, TIBIA AND ANKLE INJURIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The intention to apply in Federal Motor Vehicle Safety Standard No. 208 rulemaking additional injury criteria in order to prevent facial lacerations, neck injury, knee shear, tibia, and ankle trauma was announced in Notice 39 Docket 74-14 (50 FR 14602, April 12, 1985). The final rule (Notice 40) stated that the agency will issue another Notice on the additional information about the potential effects of adopting these criteria. Alternatives and potential costs were addressed in Notice 39.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC12

1988. BUMPER STANDARD - DAMAGE CRITERIA

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581; 49 CFR 582

Legal Deadline: None

Abstract: Consumers Union has petitioned to restore the bumper-damage criteria to the 1982 protection level of 5mph or, if this is not possible, to require automobile dealers to provide repair cost and insurance premium information related to the bumper systems on the passenger cars that they sell. The agency has completed and published a study on the cost effects and consumer interest in bumper-damageability standards. The agency will now consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC29

1989. STANDARD 208; OCCUPANT CRASH PROTECTION, EMERGENCY LOCKING RETRACTORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 208 requires safety belt systems in the front outboard seating positions of passenger cars to adjust automatically by means of emergency locking retractors. Horkey and Associates petitioned the agency to prohibit the use of emergency locking retractors as it is alleged they do not provide adequate protection against occupant rebound in rear impacts. The petition is under consideration.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC57

DOT—NHTSA **Prerule Stage**

1990. BRAKE LINING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Petitions from R. Grabowsky and American Trucking Association (ATA) requesting initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and are presently under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC66

1991. BATTERY EXPLOSIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Petition to provide protection against battery explosions by providing a plastic barrier attached to battery has been received from Dr. Abraham. Ongoing analysis will determine the magnitude of the problem and benefits and costs of possible corrective actions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC67

1992. ESTABLISH A STANDARD FOR SAFE ENTRY AND EXIT REQUIREMENTS FOR COMMERCIAL VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The International Brotherhood of Teamsters has petitioned the agency to commence rulemaking to establish safe entry and exit requirements for commercial vehicles. The Teamsters urged that such requirements are necessary to combat frequent injuries to professional drivers from slipping and falling. The petition was granted and notice issued requesting comments.

Timetable:

Action	Date	FR Cite
Petition Granted	07/03/80	45 FR 45336
Request for Comments	08/28/89	54 FR 35515
Comment Period End	10/12/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC, 202 366-0842

RIN: 2127–AC82

1993. STANDARD 201; OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This action responds to a petition by Chrysler to exempt from the head-impact requirements of the standard those vehicles equipped with a passenger-side airbag complying with Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection.

Timetable:

Action	Date	FR Cite
Request for Comments	08/10/89	54 FR 32830
ANPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC84

1994. STANDARD 213; CHILD RESTRAINT SYSTEMS - NEWBORN AND VERY SMALL CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: This action responds to a petition to amend the standard to provide specific requirements for restraints to be used by newborn and very small children.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC87

1995. FEDERAL MOTOR VEHICLE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2001; 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 541

DOT—NHTSA

Prerule Stage

Legal Deadline: Other, Statutory, October 24, 1990.
The Motor Vehicle Information and Cost Savings Act (P.L. 98-547) requires a Report to Congress five years after promulgation of the Federal Motor Vehicle Theft Prevention Standard.

Abstract: This standard, which applies to passenger cars, requires identifying numbers or symbols to be placed on major parts of high theft passenger motor vehicles. A comprehensive evaluation will be performed to determine the effectiveness of the regulation in reducing the incidence of motor vehicle thefts and to estimate the costs of manufacturing and applying the identifying information. The evaluation of the regulation is required by the Motor Vehicle Information and Cost Savings Act and calls for a Report to Congress five years after promulgation of the standard.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/86	
End Review	10/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC92

1996. STANDARD 105; HYDRAULIC BRAKE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: This standard regulates the performance of antilock brake systems for passenger cars and other vehicles with hydraulic brakes. The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on some passenger cars. The standard, at this time, does not require them for all cars. The regulation was selected for review because of public interest in the costs and benefits of antilock brakes.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/90	
End Review	06/30/92	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC94

1997. ● STANDARD 121; AIR BRAKE SYSTEMS STOPPING-DISTANCE PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Accidents involving heavy trucks have a disproportionate (higher) fatality rate than all other motor vehicles. This rulemaking proposes to reinstate stopping distance performance requirements in Standard 121 so as to help improve heavy vehicle braking performance and hence reduce the number of accidents involving these vehicles. Although a court decision found that Standard 121, as it then existed, was unenforceable, additional accident data and technical review have persuaded NHTSA that the court's requirements can now be met.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD07

1998. ● STANDARD 207; SEATING SYSTEMS - PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: Environmental Research and Safety Technologists of Flagstaff, AZ, petitioned the agency to reexamine the general performance requirements of the Standard.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD08

1999. ● STANDARD 109; NEW PNEUMATIC TIRES AND PART 575.104, UNIFORM TIRE QUALITY GRADING STANDARDS - CT TIRES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109; 49 CFR 575.104

Legal Deadline: None

Abstract: The agency has received a petition from General Tire, Inc., Continental AG, Germany, and Daimler-Benz AG, Germany, for rulemaking to amend FMVSS No. 109 and Part 575.104 to allow the use of CT tires (tires which use an inverted flange rim). The petition was granted, and additional information will be requested from General Tire.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th

DOT—NHTSA **Prerule Stage**

St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD21

2000. ● STANDARD 109; NEW PNEUMATIC TIRES - LABELLING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109

Legal Deadline: None

Abstract: The agency has received a petition from the European Tyre and Rim Technical Organization (ETRTO) requesting amendment to the standard pertaining to the tire labelling requirements. Additional information will be requested from petitioner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD22

2001. ● STANDARD 209; SEAT BELT ASSEMBLY - WINDOWSHADE TYPE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.209

Legal Deadline: None

Abstract: The agency has received a petition from the Goodson Engineering, Inc., to amend FMVSS 209 to prohibit windowshade-type shoulder belt retractors.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD25

DEPARTMENT OF TRANSPORTATION (DOT) — Proposed Rule Stage

National Highway Traffic Safety Administration (NHTSA)

2002. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposed actions would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights). This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
ANPRM Comment Period End	08/25/80	45 FR 35405
Request for Comments	09/18/87	52 FR 35345
Comment Period End	11/09/87	
NPRM	07/31/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/31/91

Additional Information: Docket No. 80-9.

Research underway.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1537

RIN: 2127–AA12

2003. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136
SNPRM	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/31/90

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA43

DOT—NHTSA

Proposed Rule Stage

2004. + SIDE-IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

Legal Deadline: None

Abstract: Contemplated action proposes amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors. This is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	
NPRM	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB85

2005. + POST 1991 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Final, Statutory, March 31, 1990.
Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the Model Year.

Abstract: In accordance with the mandatory requirements of Section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light truck average fuel economy standards for Model Year 1992 and later years. This action is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
Questionnaire to Manufacturers	01/06/89	54 FR 436
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AC51

2006. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None

Abstract: Proposed action would establish a new brake standard for all trucks, buses, and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as antilock systems, automatic brake adjustors, load-sensing proportioning values, air driers, and retarders for heavy trucks, buses, and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155
NPRM	07/31/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA00

2007. + PROPOSED NEW STANDARD 135; PASSENGER-CAR BRAKE SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.135

Legal Deadline: None

Abstract: Action proposes a New Standard No. 135, "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE). This rulemaking is significant because of substantial public interest; in light of comments received, a second SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Correction to NPRM for RIN AC63	06/20/85	50 FR 25612
Comment Period Extended to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19714
SNPRM	01/14/87	52 FR 1474

Action	Date	FR Cite
SNPRM	10/13/87	
Comment Period End		
Second SNPRM	03/31/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/10/85 (50 FR 19744)

Additional Information: Docket No. 85-06. RIN AC63, Passenger-Car Brake Systems has been consolidated into this rulemaking.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA13

2008. + STANDARD 302; FLAMMABILITY OF INTERIOR MATERIALS - SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.302

Legal Deadline: None

Abstract: Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	53 FR 44627
NPRM	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/30/90

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA44

2009. + PEDESTRIAN PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child pedestrian injuries through modification of the vehicle frontal structure. This rulemaking is significant because of substantial public interest. Due to technical problems, a second NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015
NPRM Comment Period End	05/22/81	46 FR 7015
Second NPRM	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/31/90

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA45

2010. + SIDE-IMPACT PROTECTION -- LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.214

Legal Deadline: None

Abstract: The purpose of this notice is to announce that the NHTSA is considering the proposal of requirements for light trucks, vans, and multipurpose passenger vehicles intended to reduce the risk of fatalities and injuries in side impacts and other crashes where the side protection of the vehicle is a relevant factor, and to request comments to assist the agency in developing the proposal. The contemplated requirements would be part of the agency's efforts to address the serious problem of side impacts. As another part of those efforts, the agency proposed requirements for passenger cars intended to reduce the risk of injuries to the thorax and pelvis in side impact crashes between vehicles. (RIN 2127-AB86.) This rulemaking is considered significant because of the public safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31716
Comment Period Extension Denied	09/27/88	53 FR 37615
Comment Period Extension Denied	10/17/88	53 FR 40462
ANPRM Comment Period End	10/18/88	53 FR 31716
NPRM	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 7th Street, S.W., Washington, DC 20590, 202 366-0842

RIN: 2127–AC43

2011. + STANDARD 102; TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT - SHIFT POSITION/PATTERN

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: A rulemaking action is being considered which would amend the provisions for indication of the shift position or shift pattern for transmissions that do not have a "PARK" position. This rulemaking is

considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC75

2012. + STANDARD 217; BUS WINDOW RETENTION AND RELEASE - UPGRADE FOR SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.217

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of the standard to increase the minimum number of emergency exists on school buses. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44623
ANPRM Comment Period End	01/03/89	53 FR 44623
NPRM	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC88

2013. + STANDARD 301; FUEL-SYSTEM INTEGRITY - UPGRADE FOR BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: NHTSA is contemplating amending the standard to include buses over 10,000 pounds gross vehicle weight rating (GVWR) (such as intercity and transit buses) and to upgrade the standard's current requirements for all buses (including school buses) to which the standard already applies. The current standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less. This action is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/89	54 FR 13082
ANPRM Comment Period End	05/30/89	54 FR 13082

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AC89

2014. ● + STANDARD 208; OCCUPANT CRASH PROTECTION - UPGRADE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action would require automatic occupant crash protection in light trucks, vans, and multipurpose passenger vehicles. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/14/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AD10

2015. ● + STOP-SIGNAL ARMS ON NEW SCHOOL BUSES; NEW STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Many injuries occur to school age children when drivers of other vehicles do not see the children or the school bus as the children are approaching or leaving a school bus. An average of 13 fatalities per year were reported resulting from pedestrians being struck by vehicles other than the school bus as they are approaching or leaving the school bus. The objective of this proposed project is to develop a new motor vehicle safety standard that will require installation of stop signal arms on all new school buses as recommended in the National Research Council's report "Improving School Bus Safety." Stop signal arms are stop signs with flashing red lights that extend from the left side of the school bus when it stops to load or unload students. This will probably necessitate additional equipment and possibly more training for some drivers. This action is significant because of substantial public interest, and possible Federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127-AD16

2016. ● + STANDARD 111; REARVIEW MIRRORS - SCHOOL BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This action is designed to help prevent school buses from running over children by improving mirrors and other items. This will probably necessitate more mirrors on the school buses, resulting in added cost for this additional equipment. Some drivers will need additional training. This is significant because of of substantial public interest, and possible Federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD24

2017. ● + PROCEDURES FOR PARTICIPATING IN AND RECEIVING DATA FROM THE NATIONAL DRIVER REGISTER PROBLEM DRIVER POINTER SYSTEM

Significance: Agency Priority

Legal Authority: 23 USC 401

CFR Citation: 23 CFR 1325

Legal Deadline: None

Abstract: This regulation will implement an improved National Driver Register (NDR), the purpose of which is to assist chief driver licensing officials of participating States in exchanging information regarding the motor vehicle driving records of individuals. The objective is to prevent the issuance of driver's licenses to individuals whose licenses to operate a motor vehicle have been withdrawn or denied, especially those convicted of drunk driving. By participating in the NDR, State Driver licensing officials may better identify problem drivers and deny them access to the nation's highways, thus making them safer. Annual cost to the Government will be between $5 and $7 million. This action is considered significant because of the impact on transportation safety.

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	
NPRM Comment Period End	02/15/90	
Final Action	07/15/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 01/15/90

Agency Contact: Clayton E. Hatch, Chief, Driver Register Division, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4800

RIN: 2127–AD26

2018. REARVIEW MIRROR SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Proposal would amend FMVSS No. 111 to improve mirror systems for light and heavy trucks, buses, and multipurpose passenger vehicles.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657
SNPRM	07/31/91	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/31/91

Additional Information: Docket No. 71-3a. NPRM, Notice 4. Two other rulemakings involving rearview mirror systems have been consolidated herein: RINS 2127-AA23 and 2127-AA88.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA21

2019. AIR-BRAKE SYSTEMS, PARKING AND EMERGENCY BRAKES - TRAILERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would revise the requirements in Standard No. 121 for parking and emergency-brake functions for trailers.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Comment Period End	08/24/81	46 FR 37952
SNPRM	10/31/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA27

2020. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

Action	Date	FR Cite
NPRM	11/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1834

RIN: 2127–AB79

2021. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN: 3-YEAR OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29071
NPRM Comment Period End	11/08/89	54 FR 29071

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/11/89 (54 FR 29071)

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB94

2022. ANTHROPOMORPHIC TEST DUMMIES: 6-YEAR OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: This action would add the specifications covering the 6-year-old-child test dummy to Part 572 to allow its use in evaluation of child restraints designated for older children.

Timetable:

Action	Date	FR Cite
NPRM	04/06/89	54 FR 13901
NPRM Comment Period End	10/03/89	54 FR 13901

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/06/89 (54 FR 13901)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC09

2023. ANTHROPOMORPHIC TEST DUMMIES: 9-MONTH OLD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would add the specification covering the 9-month-old-child test dummy to Part 572 to allow its use in evaluation of restraints designated for infants and small toddlers.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/28/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC10

2024. STANDARD 205; GLAZING MATERIALS BALL DROP TEST

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: Based on a petition, this action would amend the FMV Safety Standard No. 205, Glazing Materials, to revise the ball drop test No. 26 to allow clamping of glass-plastic samples. NHTSA is evaluating the petitions.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC14

2025. STANDARD 221; SCHOOL BUS BODY JOINT STRENGTH

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.221

Legal Deadline: None

Abstract: ANPRM requested comments on three items, all related to FMVSS No. 221 School Bus Body Joint Strength. These are: (a) possible new standard requiring minimum floor strength for large school buses over 10,000 lbs. GVWR, (b) revision of exemption provision for maintenance access panels, and (c) revision of test procedures of FMVSS No. 221.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to 10/15/87	08/12/87	52 FR 29873
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/30/90

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC19

2026. BUMPER STANDARD - TEST PROCEDURES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581

Legal Deadline: None

Abstract: Subaru of America has petitioned to modify the test conditions for bumper compliance testing so that vehicles with variable height suspension would be tested at the normal, unraised height position. This action will consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this petition is awaiting disposition of a petition on vehicle classification, RIN 2127-AA57.

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Divison, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC30

2027. STANDARD 205; GLAZING MATERIALS - CREATE A NEW CATEGORY, AS-15

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: The Taliq Corporation of Sunnyvale, CA, petitioned the agency to create a new category of glass-plastic glazing, AS-15. This proposed glazing would consist of a layer of tempered glass and a layer of plastic with the tempered glass layer on the outside surface when installed in the vehicle. This glazing would be permitted only in vehicle locations not requisite for driving visibility. The merits of the petition are being considered.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC38

2028. STANDARD 118; POWER-OPERATED WINDOW SYSTEMS, SUNROOFS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: Amendments are proposed to Federal Motor Vehicle Safety Standard No. 118 to extend the standard's requirements to power-operated sunroofs and either permitting external non-key locking systems to operate power windows and sunroofs or prohibiting all external operating systems.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This project has been separated from RIN 2127-AC25, entitled: Power-Operated Window Systems, which was a completed action 6/24/88 (53 FR 23766).

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC52

2029. STANDARD 106; BRAKE HOSES PERMANENTLY ATTACHED END FITTINGS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Volvo-White Truck Corporation petitioned to amend Federal Motor Vehicle Safety Standard No. 106 to change the definition of permanently attached end fitting to include fittings that are attached by permanent methods other than crimping or swaging. The petition is being considered.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/30/90

Agency Contact: Ralph Hitchcock, Dirctor, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC55

2030. STANDARD 301; FUEL SYSTEM INTEGRITY, TESTING PERFORMANCE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 301 specifies requirements for the integrity and security of vehicle's entire fuel system, including the fuel tank, fuel pump, lines and connections in front and rear, or lateral

barrier impact tests; also fuel loss must not exceed one ounce per minute in a static rollover test following these barrier crash tests as well as not exceeding these limits after and incidental to the crash tests. Thomas Feahney petitioned the agency to amend the Standard to include simple functional testing to assure performance equivalent to fuel systems made of high density polyethylene. The petition was granted and an ANPRM requested comments.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/89	54 FR 9855
ANPRM Comment Period End	05/08/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC58

2031. STANDARD 301; FUEL SYSTEM INTEGRITY, FUEL SPILLAGE

Significance: Nonsignificant

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 552; 49 CFR 571

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard (FMVSS) No. 301 specifies requirements for the integrity of motor vehicle fuel systems so that fires that result from fuel spillage during and after motor vehicle crashes may be reduced. This standard applies to passenger cars and school buses, and to multipurpose passenger vehicles, trucks, and buses that have a gross vehicle weight rating of 10,000 pounds or less. The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. On May 2, 1988, the agency published a grant of petition for rulemaking in the Federal Register for the CHP petition. However, the agency is granting the petition pending the results of its forthcoming investigation of fuel-tank fires in over-the-road trucks.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC62

2032. COMPREHENSIVE REVIEW OF VISIBILITY TOPICS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111; 49 CFR 571.219

Legal Deadline: None

Abstract: As a result of requests for interpretation for head-up displays and other devices which affect driver visibility through vehicle windows, the agency is conducting a comprehensive review of visibility research.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC69

2033. STANDARD 108; OPTICALLY COMBINED LAMPS: NEW DEFINITION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition is being considered which requests an amendment to introduce a new definition for the term "optically combined" concerning lamps.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC77

2034. STANDARD 121; AIR-BRAKE SYSTEMS, SUPPLEMENTAL CONNECTOR

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Wabco has petitioned the agency to amend the standard to allow the use of a supplemental electrical connector instead of the stop lamp circuit to power the antilock brake system on air-braked trailers. The petitioner believes the use of a supplemental connector would provide better performance and protection against system malfunctions.

Timetable:

Action	Date	FR Cite
Petition Granted by Letter	03/17/88	
Request for Comments	10/12/88	53 FR 39751
NPRM	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th

St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC80

2035. STANDARD 121; AIR-BRAKE SYSTEMS, EXPANDABLE AND DROP FRAME CONTAINER CHASSIS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: The Truck Trailer Manufacturers Association has petitioned the agency to amend the standard to remove extendable and drop frame container chassis from the partial exclusions applying to heavy hauler trailers. The petitioner believes that the reasons for excluding heavy hauler trailers from certain requirements of the standard do not apply in the case of container chassis. The petition is under consideration.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC81

2036. TRACTOR-TRAILER FIFTH WHEEL; FALSE LATCHING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The petitioner claims that it is possible to "high-hitch" or false latch the fifth wheel and the kingpin when connecting a trailer to the towing tractor. (The fifth wheel is the coupling unit on the tractor that allows the unit to be joined and towed through a wide range of articulation.) Petitioner requested the agency to write a standard that would not allow false latching of the tractor trailer fifth wheel. The action is a request for information on separation of tractor trailers, availability of accident data, information of the cost of changing the present designs, and performance tests should a standard be considered.

Timetable:

Action	Date	FR Cite
Request for Comments and Petition Granted	08/18/88	53 FR 31378
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This project is being considered jointly with FHWA, although NHTSA is responsible for compiling the information received.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC83

2037. PEDESTRIAN HEAD-PROTECTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child head injuries through modification of the vehicle hood structure.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC90

2038. ● DRIVING RANGE DETERMINATION FOR DUAL-FUEL PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 2013

CFR Citation: None

Legal Deadline: Final, Statutory, April 14, 1990.
Eighteen months after enactment of the law.

Abstract: The Alternative Motor Fuels Act of 1988 (P.L. 100-494) requires the establishment of minimum driving range for two groups of dual energy passenger automobiles: those operating on alcohol and either gasoline or diesel fuel, and for those operating on natural gas and either gasoline or diesel fuel.

Timetable:

Action	Date	FR Cite
Request for Comments by 07/17/89	06/15/89	54 FR 25539
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AD02

2039. ● STANDARD 105; HYDRAULIC BRAKE SYSTEMS - BRAKE FAILURE INDICATOR LAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 105 requires vehicles to have a brake failure indicator lamp which illuminates upon a failure within the brake system. This failure may be the result of a gross loss of pressure (Par. S5.3.1(a)) or a drop in the level of brake fluid in any master cylinder reservoir compartment to less than a specified safe level (S5.3.1(b)). The standard does not specify which mode of failure must be specified. This mode selection is left to the choice of the manufacturers. A petition from Mr.

Sinclair Buckstaff, Transamerica Consultant Engineers (Buckstaff) requests that a loss of pressure indicator be made mandatory with a fluid level loss indicator to be optional (preferably mandatory) also, along with the pressure failure indicator. Buckstaff maintains a master cylinder internal failure can occur wherein no failure indication would ever occur if only a fluid level loss indicator were installed on the vehicle.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD03

2040. ● STANDARD 106; BRAKE HOSES - ASSEMBLIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 106 requires hoses, end fittings, and hose assemblies, except under limited circumstances, to be marked in a manner providing source identification for the hose, fitting, or assembly. Paragraphs S12 and S13 provide two exceptions. Paragraph S12 exempts "assemblies" from individual labelling of the "components." The "assembly" must still be labeled as specified in the appropriate paragraphs S5.2, S7.2, and S9.2. Paragraph S13 exempts hoses, fittings, and assemblies, if each or all are installed in a vehicle to which the standard applies (i.e., new vehicles, factory assemblies) from the individual requirements for labelling these components or assemblies. Rulemaking is to be initiated to clarify these requirements as they apply to the labelling of components or assemblies which use "reusable" fittings. A conflict may exist as to whether these materials with "reusable" components are considered to be "assemblies."

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD04

2041. ● STANDARD 116; MOTOR VEHICLE BRAKE FLUIDS - COLOR REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.116

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 106 requires that brake fluids classified as type DOT-5 be colored purple. Mr. Frank Haynes, Bendix-France (Haynes) and others have petitioned for rulemaking concerning the requirements as to color coding, pH value, and chemical stability for DOT-5 nonsilicone brake fluids. Petitioners requested these new types be differentiated from the silicone fluids.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD05

2042. ● STANDARD 121; AIR BRAKE SYSTEMS TIMING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Petitions for reconsideration were received from Volvo GM Hedvk Truck Corporation and Novistar International Transportation Corporation in response to a final rule implementing timing requirements for parking brake application and holding.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD06

2043. ● STANDARD 207; SEATING SYSTEMS - TEST PROCEDURE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: The agency is considering whether to adopt a test procedure more appropriate to pedestal seats.

Timetable:

Action	Date	FR Cite
NPRM	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD09

2044. ● STANDARD 208; OCCUPANT CRASH PROTECTION - DYNAMICALLY TESTED SEAT BELTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

DOT—NHTSA **Proposed Rule Stage**

CFR Citation: 49 CFR 571.208; 49 CFR 571.209

Legal Deadline: None

Abstract: This action responds to petitions by Volkswagen and Ford Motor Company to exempt certain dynamically tested safety belts from elongation and other requirements for Federal Motor Vehicle Safety Standard No. 209, Seat Belt Assembly.

Timetable:

Action	Date	FR Cite
NPRM	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD11

2045. ● STANDARD 216; ROOF CRUSH RESISTANCE - LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 1.50; 49 CFR 571.216

Legal Deadline: None

Abstract: The purpose of this notice is to announce that the agency is considering extending the roof crush resistance requirements of the standard to cover light trucks, vans, and multipurpose vehicles (MPVs). This rulemaking is intended to reduce the risk of fatalities and injuries in rollover accidents and other crashes where the roof crush resistance of the vehicle is a relevant factor.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD13

2046. ● STANDARD 108; LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - PETITIONS FOR RECONSIDERATION, REFORM

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency has received petitions for reconsideration of the final rule for near-term headlighting reform (54 FR 20066, May 9, 1989 - RIN 2127-AC53) from Chrysler, Ford, General Motors, Koito, Motor Vehicle Manufacturers Association, and Volkswagen. The petitions are under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD17

2047. ● STANDARD 108; LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - HUMIDITY TEST

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency received petitions from Hella, Bosch, and Koito for clarification of the humidity test procedures. Petitioners were granted.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD18

2048. ● STANDARD 108; COLOR-CODED REAR LIGHTING

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The agency has received a petition from Mr. Freeman requesting permission for production of a new color-coded rear signalling device for motor vehicles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD19

2049. ● STANDARDS FOR NEW PNEUMATIC TIRES - LISTING OF STANDARDIZATION ORGANIZATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.109; 49 CFR 571.119; 49 CFR 571.120

Legal Deadline: None

Abstract: In the agency's safety standards applicable to new pneumatic tires for use on motor vehicles, there are listings of standardization organizations whose publications of specifications are accepted under the standards as means for determining appropriate rim sizes on which to mount the tire during testing, and for providing other tire and rim technical

DOT—NHTSA

Proposed Rule Stage

data. The agency has received a petition requesting changes to these listings. The Tyre and Rim Association of Australia has asked that their name be added to the list of standardization organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AD20

2050. ● STANDARD 110, TIRE SELECTION AND RIMS; AND 120, TIRE SELECTION AND RIMS FOR OTHER THAN PASSENGER CARS - SIZE LABELLING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.110; 49 CFR 571.120

Legal Deadline: None

Abstract: The agency has received a petition from the Rubber Manufacturers Association for rulemaking to amend FMVSS Nos. 110 and 120 to require size labelling of all new highway vehicle wheels, whether for original equipment or for the replacement market.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AD23

2051. ● AIR-BRAKE SYSTEMS; PNEUMATIC TIMING REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This action proposes to require for towing vehicles that actuation at the interface between towing vehicles and trailers must be at least as fast as actuation at the towing vehicle brake chambers. It also proposed requirements for towing trailers to ensure that the relay booster valves used on these trailers do not upset brake balance between vehicles in a combination.

Timetable:

Action	Date	FR Cite
NPRM	05/03/89	54 FR 18912
NPRM Comment Period End	07/03/89	
Comment Period Extended	07/21/89	54 FR 30571
Comment Period End	10/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/03/89 (54 FR 18912)

Agency Contact: Richard C. Carter, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-5274**

RIN: 2127–AD27

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

2052. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None

Abstract: This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
Comment Period Extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

Additional Information: Docket No. 79-17. NPRM, Notice 1.

Agency Contact: Marilynne Jacobs, Director, Office, Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1740**

RIN: 2127–AA03

2053. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded. This action is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2254
NPRM Comment Period End	01/27/88	53 FR 2254
Corrections to NPRM	03/17/88	53 FR 8783
Final Action	03/31/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Preliminary Regulatory Evaluation 01/27/88 (53 FR 2254)

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA48

2054. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Contemplated action would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 2167
NPRM Comment Period End	03/20/89	54 FR 2167
Final Action	02/28/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 01/19/89 (54 FR 2167)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AB21

2055. + SIDE-IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: NPRM proposes amending the current standard to upgrade thoracic protection in passenger-car side impacts. This action is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	
NPRM Comment Period End 10/24/88	01/27/88	53 FR 2239
NPRM Technical Correction	03/17/88	53 FR 8782
Final Action	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/27/88 (53 FR 2239)

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB86

2056. + LIGHTING SIMPLIFICATION–POTENTIAL AMENDMENTS ON LONG-TERM ISSUES TO SIMPLIFY FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM was issued.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	10/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
NPRM	05/09/89	54 FR 20048
Correction to Second NPRM	05/19/89	54 FR 21727

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2.

Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB87

2057. + VEHICLE CLASSIFICATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the advance notice invited comment on possible amendments to the regulation with respect to the manner in which light trucks, vans, multipurpose vehicles, and certain other

vehicles are classified. The October 17, 1988 Notice of Proposed Rulemaking proposed two alternative vehicle classification approaches for those vehicles now categorized as light trucks, multipurpose passenger vehicles, and passenger cars. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41475
ANPRM Comment Period End	12/28/87	52 FR 41475
ANPRM Comment Period Extended to 01/25/88	01/07/88	53 FR 426
NPRM	10/17/88	53 FR 40463
NPRM Comment Period End	01/17/89	53 FR 40463

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/88 (53 FR 40463)

Agency Contact: Deborah Parker, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4931

RIN: 2127–AA57

2058. + HEAD RESTRAINTS - EXTEND TO MPVS, TRUCKS, AND BUSES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None

Abstract: This action grants a petition for rulemaking and requests comments on the NPRM's proposal to extend head restraint requirements of Federal Motor Vehicle Safety Standard No. 202 to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less. This issue is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	12/13/88	53 FR 50047
NPRM Comment Period End	02/13/89	53 FR 50047
Final Action	10/15/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/13/88 (53 FR 50047)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC06

2059. + PART 544, MOTOR VEHICLE THEFT PREVENTION; REPORTING REQUIREMENTS FOR MOTOR VEHICLE RENTAL AND LEASING COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: Final, Statutory, October 25, 1989.
Rental and leasing companies who are self-insured are required to report to the agency October 25th of each year.

Abstract: This notice has proposed to require theft reports only from rental and leasing companies with combined fleets of 50,000 or more vehicles. This would result in the largest rental and leasing companies being required to file theft reports, instead of the approximately 4,000 companies currently required to do so. NHTSA has determined that reports from the largest rental and leasing companies would provide the agency with the representative sampling of the theft experience of rental and leasing companies, while reducing an unnecessary burden on smaller such companies. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5519
NPRM Comment Period End	03/20/89	
Final Action	11/30/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This action proposes amendment to the final rule published 01/02/87 (52 FR 59).

Agency Contact: Barbara Kurtz, Chief, Motor Vehicle Theft Group, NRM-20, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-4808

RIN: 2127–AC32

2060. ● + INCENTIVE GRANT CRITERIA FOR DRUNK-DRIVING-PREVENTION PROGRAMS (SECTION 410)

Significance: Agency Priority

Legal Authority: PL 100-690

CFR Citation: 23 CFR 1313

Legal Deadline: NPRM, Judicial, November 18, 1989.
NHTSA is required to publish a final rule by November 18, 1989.

Abstract: Under the Anti-Drug Abuse Act of 1988, Pub. L. 100-690, this rulemaking establishes regulations and criteria under which States may apply for and receive federal alcohol highway safety incentive grants. Grant criteria include prompt license suspension for Driving While Intoxicated (DWI) offenses, self-sustaining community DWI programs, mandatory alcohol blood testing, prevention of underage drivers from drinking, suspension of vehicle license plates and registration for DWI offenses, and prevention of open alcohol containers and drinking in cars. This rulemaking is significant under DOT policy and procedures because it would have substantial impact on State and local governments.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26783
NPRM Comment Period End	07/26/89	54 FR 26783
Interim Final Rule	11/18/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 06/26/89 (54 FR 26783)

Agency Contact: Lewis S. Buchanan, Chief, Driver Control Div, Traffic Safety

DOT—NHTSA **Final Rule Stage**

Programs, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-2753**

RIN: 2127–AD01

2061. ● + STANDARD 208; OCCUPANT CRASH PROTECTION - REAR SEAT LAP/SHOULDER BELTS, PHASE 2

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action responds to a petition by Stephanie Tombrello and would require rear seat lap/shoulder belts in light trucks, vans, MPVs, and small buses. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 47982
NPRM Comment Period End	01/30/89	53 FR 47982
Final Action	11/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AD12

2062. PART 571.3 - DEFINITIONS - SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would update the definition of Seating Reference Point.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Additional Information: Docket No. 82-05.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA46

2063. SEAT-BELT-ASSEMBLY ANCHORAGES - HARMONIZE AND UPGRADE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: This action proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
NPRM Comment Period End	04/06/87	52 FR 3293
Final Action	10/31/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/03/87 (52 FR 3293)

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA95

2064. NEW NON-PNEUMATIC TIRES FOR PASSENGER CARS, TIRE SELECTION, AND RIMS - TEMPORARY USE OF NON-PNEUMATIC SPARE TIRES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.110; 49 CFR 571.129

Legal Deadline: None

Abstract: Based on a petition, the agency is proposing an amendment to Federal Motor Vehicle Safety Standard No. 110, Tire Selection and Rims - Passenger Cars, to allow temporary use of non-pneumatic spare tires and establish performance requirements for them in a new Federal Motor Vehicle Safety Standard No. 129, Non-Pneumatic Tires for Passenger Cars.

Timetable:

Action	Date	FR Cite
Request for Comments	09/23/87	52 FR 35740
Comment Period End	12/22/87	
NPRM	04/07/89	54 FR 14109
NPRM Comment Period End	06/06/89	54 FR 14109

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/07/89 (54 FR 14109)

Additional Information: Former title: Non-Pneumatic Tires for Passenger Cars.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC18

2065. GEAR LOCK; THEFT PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.114

Legal Deadline: None

Abstract: This action would amend Federal Motor Vehicle Safety Standard

114 to prevent the inadvertent knocking out of gear of the gear shift lever and potential accidents, injuries and fatalities from vehicles rolling out of control. This amendment is in response to a petition for rulemaking relating to an inadvertent knock-out-of-gear accident resulting in a fatality. In addition, FMVSS 114 is proposed to be amended to insure that, if a steering column locking device is employed, the device cannot be activated until the key is removed and the vehicle must be in park on automatic transmission vehicles to remove the key.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11105
Comment Period Extended to 07/05/88	05/18/88	53 FR 17732
NPRM Comment Period End	05/20/88	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Prelim. Regulatory Evaluation 04/05/88 (53 FR 11105)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC24

2066. ODOMETER DISCLOSURE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1981

CFR Citation: 49 CFR 580

Legal Deadline: None

Abstract: An interim final rule permitted, in limited circumstances when a title document is physically held by a lienholder, the use of a secure power-of-attorney form. Final action contemplates further action on that issue, clarifying definitions of transferor and transferee, requiring the transferee to return to the transferor a signed copy of the odometer disclosure statement, and requiring that title reassignment documents be issued by the States. Comments to the interim final rule are being evaluated and will be discussed in the final action.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 2171
NPRM Comment Period End	01/30/89	
NPRM	03/08/89	54 FR 9858
Interim Final Rule	03/08/89	54 FR 9809
Denial of Petitions for Reconsideration	03/08/89	54 FR 9816
Grant of Extensions of Time	05/01/89	54 FR 18516
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This action will amend the final rule issued 08/05/88 (53 FR 29464). Extensions to the compliance data appeared in the Federal Register as follows: 03/22/89 starting at 54 FR 11729; 04/17/89 starting at 54 FR 15197; 04/26/89 starting at 54 FR 17950; 05/01/89 starting at 54 FR 18507.

Agency Contact: Mattie Cohan, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, DOT/NHTSA, 400 Seventh Street, SW, Room 5219, Washington, DC 20590, 202 366-1834

RIN: 2127–AC42

2067. STANDARD 108; PROPOSED USE OF 9007 BULBS FOR HEADLAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: Ford has petitioned to allow Federal Motor Vehicle Safety Standard No. 108 to be amended to permit a new replaceable bulb design for headlamps and replacement use, designated HB5. The petition was granted with a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/29/89	54 FR 27399
NPRM Comment Period End	08/14/89	54 FR 27399
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/29/89 (54 FR 27399)

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC59

2068. STANDARD 115; VEHICLE IDENTIFICATION NUMBER AND PART 567 - CERTIFICATION REGULATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1912; 15 USC 1915; 15 USC 2022; 15 USC 2026; 15 USC 2120

CFR Citation: 49 CFR 571.115; 49 CFR 567

Legal Deadline: None

Abstract: The agency proposed to amend Federal Motor Vehicle Safety Standard No. 115 and Part 567 with regard to vehicles not originally manufactured for sale in the United States and that do not comply with Federal motor vehicle safety standards, but that are imported into this country by businesses unaffiliated with the original manufacturer. These vehicles often are labelled with "homemade" 17 digit Vehicle Identification Numbers (VIN). Under the proposal, the importer would label the vehicle partially exempt from Standard No. 115 and direct interested parties to the location of the original manufacturers's number to be used in lieu of the VIN. The agency is taking this action in response to a petition from the National Automobile Theft Bureau (NATB).

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17088
NPRM Comment Period End	06/27/88	53 FR 17088
Final Action	10/31/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th

St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC65

2069. STANDARD 108; LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT; UPGRADE REFERENCES

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition from Truck Safety Equipment Institute (TSEI) primarily requested NHTSA to update references in Federal Motor Vehicle Safety Standard No. 108 to latest version of Society of Automotive Engineers (SAE) standards for stoplamps and turn signal lamps. The NPRM proposed to incorporate by reference the current SAE standards.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35097
NPRM Comment Period End	10/24/88	53 FR 35097
Final Action	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35097)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC68

2070. CONSUMER INFORMATION REGULATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: This notice implements the granting of a petition by Motor Voters requesting that NHTSA require motor vehicle manufacturers to include information in their vehicle owner's manual advising owners about the agency's defect authority and providing them with the agency's Auto Safety Hotline. To encourage owners to report defects and to facilitate their doing so, this notice proposes to amend the agency's Consumer Information Regulations to require manufacturers to provide the requested information.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45527
NPRM Comment Period End	12/27/88	53 FR 45527

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/10/88 (53 FR 45527)

Agency Contact: Marvin L. Shaw, Attorney, Department of Transportation, National Highway Traffic Safety Administration, NHTSA - NCC-20, 400 7th Street, SW, Washington, DC 20590, 202 366-2992

RIN: 2127–AC72

2071. STANDARDS 105 AND 121; HYDRAULIC AND AIR BRAKE SYSTEMS - BRAKE ADJUSTERS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None

Abstract: Proposal would amend the standards to require that if a vehicle is equipped with automatic brake adjusters they must be connected during burnishing and testing. This amendment is proposed to provide a consistent procedure for the two standards.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	48 FR 29560
NPRM Comment Period End	08/26/83	48 FR 29560
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC76

2072. STANDARD 208; OCCUPANT CRASH PROTECTION - BROADEN TEST PROCEDURES FOR HEAVY TRUCKS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action responds to two petitions for reconsideration on the final rule for seat belts on trucks over 10,000 lbs. gross vehicle weight rating (07/06/88, 53 FR 25337). The rule requires retractors on the belt systems and standardized buckle releases. The petitions requested the agency amend the rule to broaden the test procedure to include anti-cinching devices anywhere on the seat belt systems. The petitions were granted with a Notice of Proposed Rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29069
NPRM Comment Period End	08/25/89	54 FR 29069
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Another petition for reconsideration was requesting a change to this same rule to require retractors only on front outboard seats. This petition was from the Recreational Vehicle Industry Association. The petition was granted (RIN 2127-AB71) with a Final Rule (July 11, 1989, 54 FR 29041).

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC86

2073. CONFIDENTIAL BUSINESS INFORMATION

Significance: Nonsignificant

Legal Authority: 15 USC 1401; 15 USC 1402; 15 USC 1407; 15 USC 1418; 15 USC

DOT—NHTSA

Final Rule Stage

1914; 15 USC 1944; 15 USC 1990d; 15 USC 2005; 15 USC 2029; 15 USC 322; 15 USC 552

CFR Citation: 49 CFR 512

Legal Deadline: None

Abstract: Revisions to the existing regulation are necessary to ensure efficient processing of business information received by the National Highway Safety Administration pursuant to Exemption 4 of the Freedom of Information Act. This action is intended to clarify certain provisions, to revise certain sections to conform to statutory and case law, to include additional class determinations and to respond to a petition from General Motors Corporation, recommending that the agency consider adding a presumptive class determination.

Timetable:

Action	Date	FR Cite
NPRM	07/07/89	54 FR 28696
NPRM Comment Period End	08/21/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/07/89 (54 FR 28696)

Agency Contact: William Fox, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-1834**

RIN: 2127–AC95

2074. REGISTERED IMPORTERS OF NONCONFORMING VEHICLES

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 592, (New)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action implements those provisions of PL 100-562 that will restrict importation of nonconforming vehicles, not otherwise exempted, to persons who have registered with the Department as undertaking to provide certification that the vehicles have been conformed after entry, or to persons who have contracted with importers registered with the Department to undertake conformance work, by establishing the requirements for obtaining and maintaining registration.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17780
NPRM Comment Period End	06/26/89	
Final Action	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/25/89 (54 FR 17780)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC, **202 366-5263**

RIN: 2127–AC97

2075. SCHEDULE OF FEES AUTHORIZED BY THE IMPORTED VEHICLE SAFETY COMPLIANCE ACT

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 594 (New)

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: The Act requires NHTSA to establish different fees concerning the importation of motor vehicles into the United States. NHTSA will be establishing fees relating to the administration of the registered importer program, fees to cover costs associated with the agency's determination whether a motor vehicle is eligible for importation into the United States, and fees to allow reimbursement of the U.S. Customs Service for costs incurred in processing the bond that is required when certain nonconforming vehicles are imported.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17792
NPRM Comment Period End	06/26/89	
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17792)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5263**

RIN: 2127–AC98

2076. NONCONFORMING VEHICLES: ELIGIBILITY FOR IMPORTATION

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 593, (New)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action will implement provisions of PL 100-562 that restrict importation of vehicles not certified as meeting Federal Motor Vehicle Safety Standards to those which NHTSA has determined in fact conform, or can be modified to conform, with such standards.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17786
NPRM Comment Period End	06/26/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/25/89 (54 FR 17786)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-5263**

RIN: 2127–AC99

2077. IMPORTATION OF VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 591, (New)

DOT—NHTSA

Final Rule Stage

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action would implement those provisions of PL 100-562 that modify the existing procedures applicable to the importation into the United States of motor vehicles and equipment subject to the Federal Motor Vehicle Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17772
NPRM Comment Period End	06/26/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17772)

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AD00

2078. ● INSURER REPORTING REQUIREMENTS; LIST OF INSURERS REQUIRED TO FILE REPORTS IN OCTOBER 1989

Significance: Nonsignificant

Legal Authority: 15 USC 2021 to 2026

CFR Citation: 49 CFR 544

Legal Deadline: None

Abstract: This notice lists the subject insurers required to file annual reports with this agency on motor vehicle theft, unless exempt from filing such reports. The listing of insurance companies in this notice is derived from 1987 data provided by A. M. Best whose data are based on reports submitted voluntarily by the insurance companies. Those insurance companies included on the final rule listing would be required to file reports for the 1989 calendar year not later than October 25, 1989. Any insurance company not on the final list is not required to file a report for the 1989 calendar year.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	54 FR 22921
NPRM Comment Period End	07/14/89	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Kurtz, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD14

2079. ● FINAL LISTING OF HIGH THEFT LINES FOR MODEL YEAR 1990

Significance: Nonsignificant

Legal Authority: 15 USC 2021 to 2026

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The purpose of this notice is to report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the model year 1990 and publish a list of those car lines. The agency has previously published a list of the car lines that were selected as high theft car lines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the car lines in the previous lines, as well as the new lines that were introduced for the 1990 model year and that have been selected as likely high theft lines. This notice is revised yearly (each model year).

Timetable:

Action	Date	FR Cite
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Kurtz, Chief, Motor Vehicle Theft Group, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AD15

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

2080. + POST-1988 PASSENGER-CAR FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Final, Statutory, October 1, 1988.
Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: Automotive Importers of America, Inc., Austin Rover Group Ltd., Mercedes-Benz of North America, Inc., Competitive Enterprise Institute, and General Motors Corporation petitioned to lower passenger car Corporate Average Fuel Economy (CAFE) standards for Model Years 1989 and 1990. The March 1988 ANPRM sought public comment on whether to reduce the CAFE standard for MY 1989 and/or 1990, to determine whether retaining the present standard would adversely affect U.S. employment or competitiveness of the U.S. auto industry. The final action determined that retention of the 27.5 mpg standard will not adversely affect employment or competition.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/88	53 FR 8668
ANPRM Comment Period End	04/11/88	53 FR 8668
NPRM	08/29/88	53 FR 33080
NPRM Comment Period End	09/15/88	53 FR 33080
Final Action for Model Year 1989	10/06/88	53 FR 39275
Final Action	05/22/89	54 FR 21985

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/29/88 (53 FR 33080); Environmental Assessment 08/29/88 (53 FR 33080)

Additional Information: Petitioners had addressed MY 1986 and beyond; MY 1986 through 1988 were covered on 10/06/86 (51 FR 35594). Comment period ended 09/15/88 for MY 1989; comment period ended 10/28/88 for MY 1990.

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AB75

2081. + STANDARD 108; LIGHTING REFORM, NEAR-TERM ISSUES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Final action amends Standard 108 headlighting requirements by deleting certain external dimensions for sealed-beam headlamps, lifetime requirements for sealed-beam headlamps and standardized replaceable light sources, photometric requirements for headlamps designed to conform to SAE J579a, and certain durability requirements for headlamps. A new category was added: headlamps without dimensional requirements. These issues had been separated from RIN 2127-AB87. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	12/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	52 FR 49038
Final Action	05/09/89	54 FR 20066
Final Action Effective	06/08/89	54 FR 20066
Correction to Final Rule	07/19/89	54 FR 30223
Partial Stay of Effectiveness	08/01/89	54 FR 31687

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 85-15, Notice 1 (50 FR 42735) ANPRM; Docket No. 85-15, Notice 2 (50 FR 43970) extend comment period for ANPRM; Docket No. 85-15, Notice 3 (51 FR 2537) correction to ANPRM; Docket No. 85-15, Notice 5 (52 FR 49038) NPRM. Two related rulemakings, RINs 2127-AC60 and AC61, were consolidated into this proceeding.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC53

2082. + UNIFORM TIRE-QUALITY GRADING

Significance: Agency Priority

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: This action contemplated including rolling resistance for tires as a substitute for top-temperature-resistance grade in the Uniform Tire Quality Grading Standards, and was considered significant because of substantial public interest. However, since excessive temperature can lead to sudden tire failure, this aspect is more important as to safety than is rolling resistance. Of the two, temperature resistance should be retained and rolling resistance, which cannot be defined in terms of fuel economy, put aside. For this reason, the action on this rulemaking is terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AA52

2083. + HEAVY TRAILER STABILITY

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published 05/22/84 (48 FR 21551). This rulemaking was initially considered significant because of possible impact on the industry. However, the industry has voluntarily adopted the 102-inch axle/tire track and, therefore, further action is unnecessary.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551
Withdrawn	06/29/89	54 FR 27397

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: To Be Determined

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB42

2084. + STANDARD 222; SCHOOL BUS SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This action proposed to amend FMVSS No. 222, School Bus Passenger Seating and Crash Protection, to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds, and was considered significant because of substantial public interest. However, information indicates most

safety belts on new, large school buses are voluntarily installed by major manufacturers in a manner compliant with the proposed amendment and the agency has decided not to amend the standard.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Withdrawn	03/22/89	54 FR 11765

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/10/85 (50 FR 41368)

Additional Information: Previous title: Federal Motor Vehicle Safety Standards; Schoolbus Passenger Seating and Crash Protection.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB84

2085. + STANDARD 208; OCCUPANT CRASH PROTECTION - REAR SEAT LAP/SHOULDER BELTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This final rule amends FMVSS 208 to require lap/shoulder belts on all forward-facing rear outboard seating positions in passenger cars (other than convertibles), and was significant because of substantial public interest. A new RIN 2127-AD12 has been established to cover this issue for light trucks, multipurpose passenger vehicles, and small buses.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/87	52 FR 22818
ANPRM Comment Period End	07/31/87	52 FR 22818
NPRM	11/29/88	53 FR 47982
NPRM Comment Period End	01/30/89	53 FR 47982
Final Action	06/14/89	54 FR 25275
Final Action Technical Amendment	08/07/89	54 FR 32345
Final Action Effective	12/11/89	54 FR 25275

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 11/29/88 (53 FR 47982)

Additional Information: Former title: Occupant Crash Protection.

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB91

2086. + STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Volkswagen of America petitioned to change Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment to permit an additional standardized replaceable light source for motor vehicle headlamps. The type of light source proposed was that currently used in European headlamps, the type H-4. Review of the merits of the petition found that, as used in Europe, the light source was not capable of achieving the level of performance required of U.S. light sources and NHTSA subsequently proposed a U.S. version to be known as the type HB2, which would have interchangeability and performance aspects compatible with U.S. safety needs. The final rule adopted NHTSA's proposed type HB2. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Supplemental NPRM Comment Period Ended 07/14/86	06/13/86	51 FR 21696
Final Action	06/29/89	54 FR 27362
Final Action Effective	07/31/89	54 FR 27362
Delay of Effective Date: re Motorcycle Headlamps	08/02/89	54 FR 31840

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC22

2087. + RECONSIDERATION OF 1989 PASSENGER-CAR FUEL-ECONOMY STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: None

Abstract: The Center for Auto Safety and Public Citizen petitioned the agency to reconsider the Model Year 1989 passenger-car corporate average fuel-economy standard set by the agency and published 10/06/88: 53 FR 39275. This rulemaking was considered significant because of substantial public interest expected to be generated. However, based on agency records, no reason was found for modifying the standard.

Timetable:

Action	Date	FR Cite
Petition Denied	05/30/89	54 FR 22899

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National

Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC91

2088. REARVIEW MIRROR SYSTEMS: LIGHT VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This proposal, to improve mirror systems for trucks, buses, and multipurpose passenger vehicles of GVWR of 10,000 pounds or less, has been consolidated into the overall proceeding on rearview mirror systems, RIN 2127-AA21, and will no longer appear as a separate item in the Agenda.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657
Consolidated into RIN 2127-AA21	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA23

2089. REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This proposal would amend Federal Motor Vehicle Safety Standard No. 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter-resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. This rulemaking has been consolidated into the overall rearview mirror systems proceeding, RIN 2127-AA21.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to Permit Use of Passenger Side Convex Mirrors	09/02/82	47 FR 38698
Final Action Responding to Petitions and Clarifying 1982 FR	08/26/83	48 FR 38842
Consolidated into RIN 2127-AA21	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA88

2090. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: A final rule amends the brake application and release timing requirements and test devices in Federal Motor Vehicle Safety Standard No. 121 in order to better simulate the real-world performance with respect to towing and towed units, especially multitrailer combinations. On May 3, 1989, an NPRM was issued (54 FR 18912) initiating additional rulemaking in other phases; see Air-Brake Systems; Pneumatic Timing Requirements, RIN 2127-AD27.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	07/01/85	50 FR 27032
Final Action	05/03/89	54 FR 18890
Final Action Effective	06/02/89	54 FR 18890

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation (Minimal) 05/03/89 (54 FR 18890)

Additional Information: These amendments require mandatory compliance effective 05/03/91. Petitions for reconsideration were due 06/02/89.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB12

2091. VOLUNTARY VEHICLE IDENTIFICATION STANDARD (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2033

CFR Citation: 49 CFR Not yet determined

Legal Deadline: None

Abstract: NHTSA was contemplating a voluntary vehicle-identification standard, for persons other than motor vehicle manufacturers who would still be bound to requirements of Part 541. However, the standards was not statutorily required by the Motor Vehicle Theft Law Enforcement Act. The agency has decided to await the outcome of the 5-year report to Congress as to effectiveness of the Motor Vehicle Information and Cost Savings Act prior to initiating any rulemaking in this area, as the report would provide alternate recommendations.

Timetable:

Action	Date	FR Cite
Action Terminated	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Kurtz, Senior Program Analyst, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh St., SW, Washington, DC 20590, 202 366-4808

RIN: 2127–AB93

2092. STANDARD 208; OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Motor Vehicle Manufacturer's Association (MVMA) petitioned to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection, to require that height-adjustable seats, and other adjustable seat features such as lumbar supports, be placed in the nominal design riding position specified by the manufacturer. However, current compliance procedures are objective and simple to administer; there appears no compelling reason for changing them. Available information indicates current positioning procedures are representative of the seat positioning most drivers have chosen. For these reasons, the petition was denied.

Timetable:

Action	Date	FR Cite
Request for Comments	05/02/88	53 FR 15576
Petition Denied	04/19/89	54 FR 15782

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC36

2093. FMVSS NO. 208 OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This amendment extends requirements for Webbing Tension Relieving Devices to include air-bag-equipped cars and permits testing of adjustable belt-anchorage points at manufacturers' normal position.

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25354
NPRM Comment Period End	08/22/88	
Final Action	07/11/89	54 FR 29045
Final Action Effective	09/01/89	54 FR 29045

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/11/89 (54 FR 29045)

Additional Information: Provisions for vehicles with tension-relieving devices at seating positions also equipped with air bags will apply to vehicles manufactured on or after 09/01/90.

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC49

2094. STANDARD 105; HYDRAULIC BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 105 requires vehicles to have one or more brake system indicator lamps in the instrument panel area, to warn drivers about certain types of brake failure and to indicate when the parking brake is in the applied position. Section S5.3.2 of the standard requires that the brake system indicator lamps be activated automatically when the vehicle is started, to enable the driver to check whether the lamp bulb is burned out. That section also provides that in a vehicle equipped with an automatic transmission, the activation of the lamp as a check of lamp function is not required when the transmission shift lever is in a forward or reverse drive position, since the vehicle cannot be started when the transmission shift lever is in those positions. In response to a petition for rulemaking submitted by Mazda, the final rule amends the standard to provide that the activation of the lamp as a check of lamp function is not required whenever the starting of a vehicle is prevented by an interlock switch.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31379
NPRM Comment Period End	10/17/88	53 FR 31379
Final Action	05/30/89	54 FR 22904
Final Action Effective	06/29/89	54 FR 22904

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31379)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC50

2095. STANDARD 102; TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING

Significance: Nonsignificant

Legal Authority: 15 USC 1392

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: The purpose of Federal Motor Vehicle Safety Standard No. 102 is to reduce the likelihood of shifting errors. Manufacturers have provided a permanently displayed shift lever position indicator to meet the requirement of S3.2 of this Standard. Chrysler and General Motors petitioned the agency to amend the Standard to allow the use of electronic "PRNDL" displays. The amended requirements will facilitate the use of electronic displays, while assuring the information is displayed at all times.

DOT—NHTSA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32409
NPRM Comment Period End	10/24/88	
Final Action	07/11/89	54 FR 29042
Final Action Effective	08/10/89	54 FR 29042

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/11/89 (54 FR 29042)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC54

2096. STANDARD 107; REFLECTING SURFACES - PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.107

Legal Deadline: None

Abstract: This standard requires that windshield wiper arms inside windshield moldings, horn rings, and frames and brackets of inside rearview mirrors have matte surfaces which will greatly reduce the likelihood of hazardous reflection into the driver's eyes. A petition was filed to extend the standard to the above items which are made of non-metallic, as well as metallic, materials. However, in view of the lack of substantiation of a problem, the apparent insignificance of any problem if one does exist, and the costliness of developing and using a more complex test procedure, extending the standard was determined to be inappropriate.

Timetable:

Action	Date	FR Cite
NPRM	11/13/87	52 FR 43628
NPRM Comment Period End	12/28/87	52 FR 43628
Withdrawn	08/23/89	54 FR 35011

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC, 202 366-0842

RIN: 2127–AC56

2097. STANDARD 108; LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - PROPOSED AMENDMENT TO PERMIT A NEW, SMALL, SEALED-BEAM HEADLAMP

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: General Motors petitioned the agency for a 55X135 mm sealed-beam headlamp system. This issue was consolidated into RIN 2127-AC53, which is now a completed action in this Agenda.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2127-AC53	05/01/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC60

2098. STANDARD 108; LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Sylvania petitioned National Highway Traffic Safety Administration to amend Federal Motor Vehicle Safety Standard No. 108 to permit a new multiple lamp headlamp system with integral aim capability. The issue was consolidated into RIN 2127-AC53 and is now a completed action in this Agenda.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2127-AC53	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC61

2099. STANDARD 120; TIRE SELECTION AND RIMS FOR VEHICLES OTHER THAN PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.120

Legal Deadline: None

Abstract: Redco Corporation petitioned for amendment to the standard, to require that labels be placed on vehicles to instruct service personnel on the proper methods of servicing multipiece wheel rims. The petition was denied because the requested action would not be effective in significantly reducing injuries.

Timetable:

Action	Date	FR Cite
Petition Denied	05/17/89	54 FR 21263

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC79

2100. STANDARD 202; HEAD RESTRAINTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.202

DOT—NHTSA

Completed Actions

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, includes requirements for head restraints. Its purpose is to protect occupants from neck injury in rear-impact crashes. A comprehensive evaluation was published in February 1982, and further action or review is deemed unnecessary at this time.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/88	
Action Terminated	07/12/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC93

2101. FINAL LISTING OF HIGH THEFT LINES FOR 1989 MODEL YEAR; MOTOR VEHICLE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2021 to 2026

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The purpose of this notice is to report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the 1989 model year, and publish a list of those car lines. NHTSA has previously published a list of the car lines that were selected as high theft car lines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the car lines in the previous lists, as well as the new lines that were introduced for the 1989 model year and that have been selected as likely high theft lines. This notice is revised yearly (each model year). This notice is used by other Federal agencies in carrying out the statutory requirements under Titles II and III. Title II is Antifencing Measures, 18 USC 511, and Title III is Importation and Exportation Measures, 18 USC 553 and 19 USC 1627.

Timetable:

Action	Date	FR Cite
Final Action	03/30/89	54 FR 13067
Final Action Effective	03/30/89	54 FR 13067

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barbara Kurtz, Chief, Motor Vehicle Theft Group, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street SW., Washington, DC 20590, 202 366-4807

RIN: 2127–AC96

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Railroad Administration (FRA)

Proposed Rule Stage

2102. ● + RAIL-HIGHWAY GRADE CROSSING SAFETY

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; PL 100-432

CFR Citation: None

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: If necessary, rules on the inspection and maintenance of train-activated railroad-highway grade-crossing devices must be issued. An ANPRM announced public hearings and requested comments from the public to assist in evaluating future possible action to enhance public safety at these grade crossings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47554
Comment Period Extended to 01/17/89	01/03/89	54 FR 49
ANPRM Comment Period End	01/04/89	
Comment Period Extended to 02/01/89	01/30/89	54 FR 4320

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A public hearing, announced in the ANPRM, was held in Washington, DC, in December 1988.

This item was formerly recorded under RIN 2130-AA27, which is removed from the Agenda.

Agency Contact: Philip Olekszyk, Deputy Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA45

2103. + RAILROAD OPERATING PRACTICES; PROCEDURES FOR BRIDGE-WORKER SAFETY

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: A recently enacted statute requires FRA to issue necessary rules to protect workers performing tasks on bridges. FRA is studying the casualty data, the appropriate types of protection, and the respective roles of FRA and OSHA. This proceeding is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/02/89

Agency Contact: Edward R. English, Chief, Maintenance Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh

DOT—FRA

Proposed Rule Stage

St., SW, Washington, DC 20590, 202 366-9186

RIN: 2130–AA48

2104. + LOCOMOTIVE OPERATOR; QUALIFICATION STANDARDS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA is required to adopt qualification standards for locomotive operators. Major elements that could be included in such standards involve initial training, retraining, performance monitoring, testing and retesting, and general fitness criteria. Issues being explored include the structure of the program to resolve questions of whether a Federal license program or a railroad licensing program meeting Federal criteria will best achieve the statutory intent. This rulemaking is significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/02/89

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh, St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA51

2105. + TRAIN OPERATION EVENT RECORDERS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 22, 1989.

Abstract: FRA is required to issue necessary rules to provide for the recording of events relating to train operations and to ensure that devices recording those events are tamper-resistant. Aspects of the issue being explored include: determining the state of the art for such devices; the recordable events appropriate for accident investigation purposes; standards for "tamper resistance"; and regulatory structure. This project is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47557
Public Hearing Held 01/10/89	11/23/88	53 FR 47557
ANPRM Comment Period End	03/13/89	
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: Edwards R. English, Chief, Maintenance Program Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9178

RIN: 2130–AA53

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

2106. + RAILROAD ACCIDENT/INCIDENT REPORTS CLASSIFICATION AND NOTIFICATION OF RIGHT TO SUBMIT EMPLOYEE SUPPLEMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: This project addresses possible problems of bias and inaccuracy in FRA's railroad data base. Although FRA investigates about 400 accidents a year and receives unsolicited information on a few more accidents, FRA's sole source of information on the great majority of railroad accidents is the railroad company itself. The proposed rule would require that the railroad provide written notification to any employee whom the railroad alleges to have caused a certain type of accident, informing the employee of the relevant allegations and of his or her right to file an accident statement with FRA. The proposed rule also would establish the format and filing procedures for such statements. Alternatives being considered are: (1) revising the reporting form itself to include boilerplate language regarding what, where, and how to file the employee statement and (2) requiring a separate notice to the employee with the same information. Potential costs have yet to be determined. This action is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48560
Public Hearing Notice	12/01/88	53 FR 48560
NPRM Comment Period End	01/27/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former title: Railroad Accident/Incident Reports Classification and Investigations Permitting Employee Supplements.

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9252

RIN: 2130–AA44

2107. + RAILROAD OPERATING PRACTICES -- PROTECTION OF ON-TRACK SLEEPING QUARTERS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

DOT—FRA

Final Rule Stage

CFR Citation: 49 CFR 218

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: Railroads use on-track equipment adapted for service as mobile sleeping quarters, in order to have large dormitories adjacent to work sites. A recently enacted statute requires FRA to establish rules to protect those vehicles from the risk of being struck by other on-track vehicles. This project is intended to accomplish that purpose and is therefore considered significant.

Timetable:

Action	Date	FR Cite
NPRM	02/17/89	54 FR 7219
NPRM Comment Period End	03/21/89	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7219)

Additional Information: A public hearing was held in Washington, DC, on 04/05/89.

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9252

RIN: 2130–AA46

2108. + SAFETY ENFORCEMENT PROCEDURES; DISQUALIFICATION OF EMPLOYEES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: FRA has been granted legal authority to disqualify an individual railroad employee who is shown to be unfit to perform safety-sensitive functions based on a violation of FRA's safety rules. The procedures that FRA will employ in exercising this authority must include a notice and hearing for the individual. FRA must define what constitutes a safety-sensitive function; the nature of the hearing; appellate review structure; and criteria for what constitutes unfitness. This proceeding is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/09/88	53 FR 49695
Public Hearing Held 01/05/89	12/09/88	53 FR 49695
NPRM Comment Period End	01/10/89	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/09/88 (53 FR 49695)

Agency Contact: Peter J. Hannums, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., NW, Washington, DC 20590, 202 366-0637

RIN: 2130–AA49

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions

2109. + REVIEW OF RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None

Abstract: Although significant, this proceeding is terminated because the issue of radio communications is being addressed by the FRA within the broader rail industry communications context of railroad dispatcher practices. An FRA study of dispatcher practices and related issues is in process in response to section 22 of the Rail Safety Improvement Act of 1988, and FRA may initiate a rulemaking in the future if warranted by the results of the present study.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	11/04/86	51 FR 40101
Public Hearing, Washington, DC	01/27/87	
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA34

2110. ● + ALCOHOL AND DRUG TESTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: This final rule contains amendments to the rule on Control of Alcohol and Drug Use in Railroad Operations, revising both the mandatory compliance dates for the Transportation Workplace Drug Testing Procedures and the requirements for submission and implementation of random drug testing programs. Drug-free rule eff. 10/2/89; workplace testing eff. 10/2/89. Random testing for Class I, Amtrak and commuter carriers: Programs due 10/2/89, begin testing 1/16/90; Class II: programs due 4/2/90, begin testing 7/2/90; Class III: programs due 7/2/90; begin testing 11/1/90.

Timetable:

Action	Date	FR Cite
Notice of Informal Safety Inquiry	01/20/87	52 FR 2118
Public Hearing, Washington, DC Random and Workplace Drug Testing	02/18/87	
NPRM Random and Workplace Drug Testing	05/10/88	53 FR 16640

Action	Date	FR Cite
Notice of Public Hearings Random and Workplace Drug Testing	05/24/88	53 FR 18589
NPRM Comment Period End	08/08/88	
Final Rule Random and Workplace Drug Testing	11/21/88	53 FR 47102
Final Action Various Effective Dates for Different Programs and Carriers	05/23/89	54 FR 22283
Notice of Guidance Availability for Implementation	08/30/89	54 FR 35879
Final Action Effective	10/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: A supplemental NPRM on random drug testing implementation will be published in early 1990. An NPRM on issues raised by implementation of the existing program and on new technical amendments to the existing rule to conform to the random testing rule is now under review and will be published shortly.

Agency Contact: Dr. Sam Holley, Alcohol & Drug Program Manager (RRS-10), Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0501

RIN: 2130–AA43

2111. + RAIL-HIGHWAY GRADE-CROSSING SAFETY

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; PL 100-432

CFR Citation: None

Legal Deadline: None

Abstract: A new proceeding has been initiated pursuant to the Rail Safety Improvement Act of 1988, with an ANPRM published 11/23/88 and an NPRM anticipated in the near future. Because of the confusion resulting from the use of an old regulatory agenda number assigned to a related, but now completed, rulemaking that has not yet been deleted, a new RIN Number (2130-AA45) is assigned to the new proceeding. Consequently, this agenda item is terminated under this entry number. Information regarding the new proceeding will be found under RIN 2130-AA45.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Notice of Special Safety Inquiry	12/24/84	49 FR 49961
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. RSSI - 84-3.

Public hearings were held in St. Paul, Minn. (7/84) and Washington, DC (1/85). The Summary Report on the hearings was issued 7/16/85. A further public hearing was held in Washington, DC (12/88).

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA27

2112. + JURISDICTIONAL CONFORMITY AMENDMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 229; 49 CFR 231; 49 CFR 232

Legal Deadline: None

Abstract: FRA amended three of its older safety regulations to conform their applicability provisions to statutory changes. The older statutes and rules describe their applicability in terms of "common carrier by rail subject to the Interstate Commerce Act" until they were amended to use the more common word "railroad". This action was considered significant because of departmental policy.

Timetable:

Action	Date	FR Cite
Final Action	08/14/89	54 FR 33227

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/14/89 (54 FR 33227)

Agency Contact: Mark Tessler, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA50

2113. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: None

Legal Deadline: None

Abstract: FRA has completed the regulatory revisions based directly on the results of its Safety Inquiry and is deleting this entry. FRA has decided to incorporate future RFA review efforts into its more extensive evaluation effort designed to improve its older regulations rather than continue to conduct a separate RFA review proceeding.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461
Action Terminated	07/12/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA10

2114. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: This proceeding is terminated based on the rail industry's recent adoption of voluntary standards addressing FRA's primary concerns regarding crashworthiness. Now undergoing formal ratification by the

Association of American Railroads, these recommended practices will apply to future locomotive construction.

Timetable:

Action	Date	FR Cite
Notice of Safety Inquiry	09/22/88	53 FR 36936
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA32

2115. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None

Abstract: FRA has determined that no further regulatory action is required at this time to modify the 1982 changes to its power brake regulations.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	
Action Terminated	07/12/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA40

2116. INTERIOR NOISE STANDARDS FOR ON-TRACK SLEEPING QUARTERS

Significance: Nonsignificant

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 228

Legal Deadline: None

Abstract: FRA's interpretive guidance concerning compliance with an hours-of-service statute will be extended by operation of law unless FRA acted within 6 mos. FRA guidelines specify a maximum noise level for the interior of facilities used to give train crews required periods of rest under the Hours of Service Act. The statute will make the noise level applicable to on-track vehicles used as dormitories for other railroad employees unless FRA alters its guidance on this matter for the on-track vehicles. FRA has determined that there is no need to delay the effective date of the statute; the statute is in effect without change.

Timetable:

Action	Date	FR Cite
Action Terminated	07/12/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryJo Spottswood, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA52

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

2117. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615

CFR Citation: 49 CFR 641

Legal Deadline: None

Abstract: The proposed regulation would unify the Urban Mass Transportation Administration's civil rights requirements. This rulemaking is significant because of potential federalism implications as well as possible public interest. This rulemaking would improve the agency's civil rights regulations, assuring effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	09/29/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/29/90

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1990.

Agency Contact: Akira Sano, Associate Director for Civil Rights Policy, Department of Transportation, Urban Mass Transportation Administration, Office of Technical Assistance, 400 7th St., SW, Room 7412, Washington, DC 20590, 202 366-4018

RIN: 2132–AA01

2118. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: The current UMTA regulation is adequate as drafted; there is no substantive change required. Accordingly, the agency is withdrawing the rulemaking.

DOT—UMTA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
To be Withdrawn	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" schoolbus service. The agency has determined that the current regulation is adequate and will withdraw this rulemaking.

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, 202 366-4011

RIN: 2132–AA09

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Final Rule Stage

2119. ● + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Regulatory Program

Legal Authority: 49 USC 1602(i); 23 USC 103(e); 23 USC 142; PL 100-17, Sec 303

CFR Citation: 49 CFR 611

Legal Deadline: None

Abstract: This regulation implements section 303 of the Surface Transportation and Uniform Relocation Assistance Act of 1987. The regulation will define the procedures applicants must follow in developing fixed guideway projects. It also will set forth the means by which the agency will evaluate cost-effectiveness, the results of alternatives analysis, and the degree of local financial commitment as required by law. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17878
NPRM Comment Period End	06/26/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/25/89 (54 FR 17878)

Agency Contact: Don Emerson, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0096

RIN: 2132–AA34

2120. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments also are intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/09/88 (53 FR 35178)

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA, RIN 2125-AB10.

Agency Contact: A. Joseph Ossi, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW, Room 9301, Washington, DC 20590, 202 366-0096

RIN: 2132–AA19

2121. + BUS TESTING GUIDELINES

Significance: Agency Priority

Legal Authority: 49 USC 1608(h)

CFR Citation: 49 CFR 665

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, Pa. This regulation is significant because of the large amount of public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

DOT—UMTA **Final Rule Stage**

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/25/89 (54 FR 22716)

Additional Information: Section 12(h) of the UMT Act, as amended, defines a "new bus model" as a "bus model which has not been used in mass-transportation service in the United States before the date of production of such model, or a bus model which has been used in such service but which is being produced with a major change in configuration or components." The interim final rule, containing interim procedures for the program, is effective from 10/01/89 to 09/30/90, with comments due by 11/21/89.

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4011**

RIN: 2132–AA30

2122. ● + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-17, Sec 337

CFR Citation: 49 CFR 661

Legal Deadline: None

Abstract: This rulemaking will amend UMTA's "Buy America" requirements to implement new statutory provisions and reflect UMTA's experience with implementing the existing regulation. It is considered significant because of substantial public interest and federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32994
Comment Period Extended to 11/14/88	10/27/88	53 FR 43457
NPRM Comment Period End	10/28/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 08/29/88 (53 FR 32994)

Additional Information: Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amended the "Buy America" provisions of section 165 of the Surface Transportation Assistance Act of 1982.

Agency Contact: Rita Daguillard, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4096**

RIN: 2132–AA35

2123. CAPITAL LEASES

Significance: Nonsignificant

Legal Authority: 49 USC 1607a(j)

CFR Citation: 49 CFR 639

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, November 28, 1987.

Abstract: This regulation would implement a statutory provision requiring UMTA to prescribe policies and procedures governing the eligibility for capital assistance under section 9 of the UMT Act, as amended, for leases of equipment and facilities where leasing is more cost-effective than purchase or construction.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18222
NPRM Comment Period End	07/19/88	53 FR 18222
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/20/88 (53 FR 18222)

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, **202 366-4011**

RIN: 2132–AA28

2124. PRE-AWARD AND POST-DELIVERY AUDITS OF ROLLING-STOCK PURCHASES

Significance: Nonsignificant

Legal Authority: 49 USC 1608(j)

CFR Citation: 49 CFR 663

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires an independent pre-award and post-delivery audit of the purchase of transit rolling stock with UMTA assistance to assure compliance with Federal motor-vehicle safety standards, Buy America requirements, and adherence to bid specification requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40850
NPRM Comment Period End	12/19/88	
Final Action	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/18/88 (53 FR 40850)

Additional Information: Formerly titled Rolling Stock Purchase Audits

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, **202 366-4011**

RIN: 2132–AA29

2125. PROJECT MANAGEMENT OVERSIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1619

CFR Citation: 49 CFR 633

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, September 29, 1987.

Abstract: This regulation would implement a statutory provision that permits UMTA to use a portion of the funding of its major capital programs to hire outside contractors to perform project management oversight of major capital projects, and require an UMTA grantee constructing a major capital project to prepare and, after UMTA approval, implement a project management plan.

DOT—UMTA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29709
NPRM Comment Period End	10/13/87	52 FR 29709
Final Action	10/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/01/89

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation, and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, 202 366-4011

RIN: 2132–AA31

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Completed Actions

2126. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Regulatory Program

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 611

Legal Deadline: None

Abstract: This policy statement set forth UMTA's criteria for evaluating proposals for new fixed guideway systems and extensions of systems. The policy statement was effective upon publication and was significant because it involved important departmental policy. This entry has been carried inadvertently in the Agenda and is now removed. For the new rulemaking relating to the Surface Transportation and Uniform Relocation Assistance Act of 1987, see RIN 2132-AA35.

Timetable:

Action	Date	FR Cite
Final Action : Notice of Policy	05/18/84	49 FR 21284

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Don Emerson, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW, Room 9301, Washington, DC 20590, 202 366-0096

RIN: 2132–AA22

2127. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424, Sec 165

CFR Citation: 49 CFR 661

Legal Deadline: None

Abstract: This rulemaking amended UMTA's Buy America requirements to implement new statutory provisions and reflect UMTA's experience with implementing the existing regulation. It was considered significant because of substantial public interest and federalism implications.

Timetable:

Action	Date	FR Cite
Final Action	09/15/83	48 FR 41564

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This rulemaking was completed 09/15/83 and has been continued inadvertently in the Agenda. For the new "Buy America" rulemaking relating to the Surface Transportation and Uniform Relocation Assistance Act of 1987, see RIN 2132-AA35.

Agency Contact: Rita Daguillard, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, 202 366-4096

RIN: 2132–AA15

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Prerule Stage

2128. + REGISTRATION OF SHIPPERS AND CARRIERS OF HAZARDOUS MATERIALS

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: DOT lacks comprehensive data on the number, volume, and other statistics characterizing the transportation of hazardous materials in commerce. Comments will be requested on the burdens and benefits associated with various alternatives that could be used to obtain such information. The registration of carriers and shippers is one such alternative. This rulemaking is significant because of the public interest and safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J. Nalevanko/H. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB43

DOT—RSPA

Prerule Stage

2129. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements. This rulemaking is significant because it will achieve consistency in departmental treatment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AB16

2130. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department is considering proposing a new traffic and market data system for certificated and foreign air carriers. This system could be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AB18

2131. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/BUSINESS CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, such as business class, these definitions may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Title was revised to include Business Class Passengers.

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AB00

2132. SUBSIDIZED COMMUTER CARRIERS AND FOREIGN AIR CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

DOT—RSPA

Prerule Stage

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AB04

2133. FUMIGATION

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 174

Legal Deadline: None

Abstract: This proposal would revise the placarding requirements in the Hazardous Materials Regulations (HMR) to recognize the requirements of the Environmental Protection Agency (EPA) which address the placarding of commodities which have been fumigated. Those portions of the HMR which address the fumigation placard would be removed from the HMR to avoid duplication with EPA's requirements for placarding commodities which have been fumigated.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Strombom/E. Pritchard (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB41

2134. CONFORMING GAS AND LIQUID PIPELINE WELDING STANDARDS: FINAL PHASE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action would be the last of a series of rulemakings undertaken to conform the gas and liquid pipeline welding standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-2036**

RIN: 2137–AB45

2135. GAS PIPELINES OPERATING ABOVE 72 PERCENT OF SPECIFIED MINIMUM YIELD STRENGTH

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This proposal would eliminate or qualify the "grandfather clause" of the natural gas pipeline safety regulations that permits operation of an existing rural or offshore gas pipeline found to be in satisfactory condition at the highest actual operating pressure to which the segment was subjected during the five years preceding July 1, 1970, or, in the case of an offshore gathering line, July 1, 1976.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Formerly entitled: Operation of Existing Rural and Offshore Gas Pipelines at Stress Levels Higher Than Permitted for New Pipelines.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, D.C. 20590, **202 366-1640**

RIN: 2137–AB53

2136. TRANSPORTATION OF RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: This proposal would require motor carriers of highway route controlled quantities (HRCQ) of radioactive materials to transport those materials directly from pickup points to preferred routes and directly from preferred routes to delivery points.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: Docket No. HM-164C

Agency Contact: R. Gassaway, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB59

DEPARTMENT OF TRANSPORTATION (DOT)

Proposed Rule Stage

Research and Special Programs Administration (RSPA)

2137. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176; 49 CFR 178; 49 CFR 179

Legal Deadline: None

Abstract: This action will develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Rulemaking also includes former nonsignificant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
ANPRM for RIN AA05	05/07/81	46 FR 25492
ANPRM for RIN AA11	06/05/81	46 FR 31294
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/16/82	47 FR 40816
ANPRM Comment Period End	01/13/83	47 FR 40816
NPRM	05/05/87	52 FR 16482
NPRM Comment Period Extended to 02/26/88	09/08/87	52 FR 33906
NPRM Comment Period End	11/02/87	
Supplemental NPRM	11/06/87	52 FR 42772
NPRM Comment Period Extended to 05/25/88	04/14/88	53 FR 12442
Supplemental NPRM and Extension of Comment Period to 3/9/89	11/14/88	53 FR 45868
SNPRM	07/26/89	54 FR 31158
SNPRM Comment Period End	10/24/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/05/87 (52 FR 16482)

Additional Information: Docket No. HM-181. A decision on whether to proceed with a final rule will be made following review and evaluation of comments to the docket. RINs 2137-AA11, AA05, and AA93 have been consolidated into this rulemaking.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA01

2138. + TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

Legal Deadline: None

Abstract: This action will propose to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown. This rulemaking is significant because of public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	07/26/89	54 FR 31144
NPRM Comment Period End	11/24/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/26/89 (54 FR 31144)

Additional Information: Docket No. HM-126F. A public hearing was scheduled for 10/03/89 in Salt Lake City, Utah, (54 FR 33657).

Agency Contact: C. Strombom, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB26

2139. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1640

RIN: 2137–AB15

DOT—RSPA

Proposed Rule Stage

2140. + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Based on the numerous public comments and recommendations of the Department's two pipeline safety advisory committees, many of the proposals put forth in the ANPRM will be withdrawn. Those not withdrawn will be further evaluated in special studies or become the subject of separate rulemakings.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/87	52 FR 4361
ANPRM Comment Period End	03/30/87	52 FR 4361
NPRM to be Withdrawn	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: Docket No. PS-93

Agency Contact: L. Furrow, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB27

2141. + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None

Abstract: ANPRM invites comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest and possible federalism implications.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to 11/28/87	09/21/87	52 FR 35464
ANPRM Comment Period End	09/28/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-200

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB37

2142. + QUALIFICATION OF PIPELINE PERSONNEL

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Docket No. PS-94. Formerly entitled: Pipeline Operator Qualifications.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2036**

RIN: 2137–AB38

2143. + HIGHWAY ROUTING STANDARDS FOR CERTAIN TYPES AND QUANTITIES OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173.177; 49 CFR 397

Legal Deadline: None

Abstract: Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications and possible federalism implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM Comment Period Extended to 12/13/88	10/05/88	53 FR 39114
ANPRM Comment Period End	10/11/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-203. Public hearings were held on June 14, 1988, in Sacramento, California, and on September 15, 1988, in Washington, DC.

Agency Contact: J. Nalevanko/B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4484**

RIN: 2137–AB42

2144. + OPERATION AND MAINTENANCE PROCEDURES FOR PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Adequate procedures for pipeline operation and maintenance, backed up by personnel training, have proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. Also, a few additions and clarifying changes would be made to the hazardous liquid pipeline requirements. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel. A related rulemaking to provide procedures requiring operators to amend operation and maintenance plans, and make operators subject to enforcement sanctions for failure to maintain plans, is entitled Amendment of an Operator's Plans or Procedures (RIN 2137-AB77).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Formerly entitled: Operation and Maintenance Procedures for Gas Pipelines.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB44

2145. + PRESSURE TESTING EXISTING HAZARDOUS LIQUID PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Recent accidents involving petroleum product pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to latent material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on those product pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all hazardous liquid pipelines. This rulemaking is significant because of substantial public interest in the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB46

2146. + MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines. Operators would also be required to keep an inventory of pipe and annually report mileage and other facts. In addition, operators would be required to provide certain information to State agencies upon request. This is a significant action because of Congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/89

Additional Information: RIN 2137-AB62, "Annual Report for Hazardous Liquid Pipelines," has been consolidated into this rulemaking.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB48

2147. + PIPELINE SAFETY GRANT PROGRAM: MINIMUM REQUIREMENTS FOR ONE-CALL SYSTEMS

Significance: Agency Priority

Legal Authority: PL 100-561, Sec 303

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, May 1, 1990.

Abstract: This rulemaking proposes the issuance of requirements for the establishment and operation of appropriate one-call notification systems in areas containing underground gas or hazardous liquid pipeline facilities. The requirements are intended for adoption by States with agencies participating in the Federal/State pipeline safety grant-in-

aid program. Adoption would be a consideration in determining reimbursement of State program costs. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 10/00/89

Additional Information: This action is mandated by Pub. L. 100-561.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-2036

RIN: 2137–AB66

2148. CARRIAGE OF HAZARDOUS MATERIALS BY MOTOR VEHICLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: This action proposes simplification and recodification of existing operating procedures for transportation of hazardous materials by motor vehicle as prescribed in Part 177.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Project 261-78

This project was formerly entitled: Revision of Operating Procedures for Motor Vehicles.

Agency Contact: R. Gassaway/A. Coates (FHWA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA07

2149. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: This action would eliminate existing specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA63

2150. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: The Department will propose revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

Agency Contact: Charles H. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA92

2151. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None

Abstract: This notice solicits comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR Part 387.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-199

Agency Contact: J. Nalevanko/R. Gassaway, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB35

2152. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rule would require tank-car owners and repair facilities to inspect for cracks and other defects after certain tank-car repairs to assure that no defects exist. The proposal would include those issues which are the subject of several petitions filed in response to Docket HM-201B, "Shippers--Use of Tank-Car Tanks with Localized Thin Spots," RIN 2137-AB39.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM Comment Period End	02/11/88	52 FR 46510
ANPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Morris/P. Olekszyk(FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB40

2153. GAS DETECTION AND MONITORING IN COMPRESSOR STATION BUILDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Leaking gas accumulating inside an inadequately ventilated compressor station building is a serious safety problem that has caused recent deaths and injuries. This rulemaking action proposes additional regulations to require installation of gas detection and alarm systems.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/88	53 FR 10906
ANPRM Comment Period End	06/03/88	53 FR 10906
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Docket No. PS-100

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB49

2154. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM is to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. The ANPRM requests comments concerning ways to resolve the problems.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	52 FR 26027
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Docket No. HM-176A

Agency Contact: C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB51

2155. REVISION OF OPERATING REQUIREMENTS FOR RAIL CARRIAGE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 174

Legal Deadline: None

Abstract: The purpose of the rulemaking is to update and rewrite the regulations contained in 49 CFR Parts 171 and 174 which govern the transportation of hazardous materials by rail.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Strombom, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB55

2156. REVISION OF RSPA FORM 41 REPORT FOR CHANGES IN GAAP-FAS 95 STATEMENT OF CASH FLOWS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The accounting system that underpins the Form 41 Report is based on Generally Accepted Accounting Principles (GAAP) established by the Financial Accounting Standards Board. This board recently amended GAAP reporting disclosure standards by adding a Statement of Cash Flows. The Form 41 Report currently has a Statement of Financial Position. Unless there is some incompatibility with

another aviation regulatory program, a proposed rule will be issued to replace the Statement of Financial Position with a Cash Flow Statement to maintain uniformity with GAAP. This rule would relieve large U.S. air carriers from the burden of preparing two different statements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1, Room 4125, 400 Seventh St., S.W., Washington, D.C. 20590, 202 366-4383

RIN: 2137–AB57

2157. ELEVATED TEMPERATURE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking addresses regulation of hazardous materials offered for transportation at elevated temperatures.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Docket No. HM-198A

Agency Contact: B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4488

RIN: 2137–AB58

2158. TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

Timetable:

Action	Date	FR Cite
Request for Comments	11/21/88	53 FR 46973
Comment Period End	12/23/88	
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Docket HM-169A

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4545

RIN: 2137–AB60

2159. RETEST REQUIREMENTS FOR DOT 8 AND 8AL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1804; 49 USC 1808

CFR Citation: 49 CFR 171.7

Legal Deadline: None

Abstract: This rulemaking would propose the incorporation by reference of the Compressed Gas Association's (CGA) Pamphlet C-13 entitled "Guidelines for Periodic Visual Inspection and Requalification of Acetylene Cylinders," 1985 edition. This pamphlet would set forth the guidelines for the testing and requalification of DOT cylinders used for transporting acetylene. (This proposal was previously contained in Docket No. HM-23.)

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4488

RIN: 2137–AB61

2160. TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examines the need to establish a maximum allowable concentration and other control measures.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/89	54 FR 24361
ANPRM Comment Period End	09/05/89	54 FR 24361
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 03/00/90

Additional Information: Docket No. PS-106

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-1640

RIN: 2137–AB63

DOT—RSPA

Proposed Rule Stage

2161. LEAKAGE SURVEYS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Many gas distribution operators look for signs of dying vegetation as a leak survey technique. This technique is not as effective as other available methods, and leaks have occurred in areas found safe by vegetation surveys. This action would require the use of alternative methods to meet the leak survey requirements, where appropriate, and clarify that leakage surveys must be conducted at least at 3-year minimum intervals on cathodically unprotected pipelines that are not electrically surveyed for corrosion.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB64

2162. PRESSURE REGULATORS SUBJECT TO INSPECTION AND TESTING

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.739

Legal Deadline: None

Abstract: This rulemaking would clarify which pressure regulators are subject to rules for inspection and testing of pressure regulating stations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 03/00/90

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB65

2163. ALTERNATIVE WELD DEFECT ACCEPTANCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: The safety standards for pipelines and liquefied natural gas facilities reference the workmanship standards of the American Petroleum Institute (API) "API 1104" for the acceptance of weld defects. Appendix A of the 1988 edition includes alternative acceptance criteria based on fracture mechanics. This action proposes to incorporate Appendix A by reference.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/00/89

Additional Information: A petition by the American Petroleum Institute (P-38) provides a basis for this rulemaking action.

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB67

2164. PASSAGE OF INTERNAL INSPECTION DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 108; PL 100-561, Sec 207

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would establish minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB71

2165. TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 211

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This action would amend the existing safety standards for hazardous liquid pipelines to include new standards necessary for the safe transportation of carbon dioxide by pipeline. This action is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB72

2166. ● PROHIBITED PLACARDING AND PLACARD VISIBILITY

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

DOT—RSPA — Proposed Rule Stage

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This rulemaking proposes to amend section 172.502 to clarify that use of slogans on displays similar to placards is prohibited, and will request comments on methods to increase visibility of placards, especially in emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Project 89-1

Agency Contact: D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, 202 366-4488

RIN: 2137–AB75

2167. ● AMENDMENT OF AN OPERATOR'S PLANS OR PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1671 et. seq.; 49 USC 1861 et. seq.; 49 USC 2001 et. seq.

CFR Citation: 49 CFR 190; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: This was previously part of RIN 2137-AB44. An administrative rule prescribing criteria and procedures for requiring hazardous liquid pipeline operators to amend their procedural manuals for operations, maintenance, and emergencies would be expanded to apply to all plans and procedures that operators of hazardous liquid pipelines, gas pipelines, and LNG Facilities are required to prepare. In addition, it proposes to make operators subject to all enforcement sanctions for failure to maintain plans and procedures in accordance with the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Cesar DeLeon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-1640

RIN: 2137–AB77

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Final Rule Stage

2168. + NATURAL GAS AND HAZARDOUS LIQUID PIPELINE DAMAGE PREVENTION PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 2002(e)

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid pipeline operators to provide damage prevention programs and gas operators would have to expand their programs to cover rural areas. This is a significant action because of the widespread interest in the use of "one-call" programs to prevent damage to buried pipelines.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24747)

Additional Information: Docket No. PS-101

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB47

2169. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking would end the permitting of "interested" inspectors to perform inspections and testing of domestically manufactured low-pressure gas cylinders. It will be withdrawn until further evaluation of the proposal is undertaken.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	41 FR 1179
To be Withdrawn	10/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA08

2170. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: NPRM solicited comments on the benefit of requiring LP gas to be odorized. Odorization would enhance its identification during transportation in commerce. Comments to the NPRM indicated that further study should be made before proceeding to a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164

Next Action Undetermined

DOT—RSPA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/27/84 (49 FR 38164)

Additional Information: Docket No. HM-126E.

Agency Contact: D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA25

2171. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
NPRM	06/03/86	51 FR 19866
NPRM Comment Period End	09/04/86	51 FR 27223
Periodic Update	04/20/87	52 FR 13034
Periodic Update - NPRM	09/19/88	53 FR 36410
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/19/88 (53 FR 36410)

Additional Information: Docket No. HM-166.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA44

2172. QUANTITY LIMITATIONS ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action proposes removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible cargo location on passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Additional Information:

This project was formerly entitled: Limitation Aboard Aircraft. Further action is awaiting completion of an FAA project.

Agency Contact: Ann Boylan, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA85

2173. STANDARDS FOR CONSTRUCTION OF FIREWORKS AND NOVELTIES; APPROVAL FOR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171; 49 CFR 173

Legal Deadline: None

Abstract: This action proposed to eliminate a requirement for fireworks examination prior to their approval for transportation by the Director, Office of Hazardous Materials Transportation.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4348
NPRM Comment Period End	04/04/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/12/88 (53 FR 4348)

Additional Information: Formerly entitled Standards for Construction of Fireworks and Approval for Transportation.

Agency Contact: J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB36

2174. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27041
NPRM Comment Period End	09/25/89	54 FR 27041
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27041)

Additional Information: National Transportation Safety Board Recommendation P-87-3 provides a basis for this action. Docket No. PS-107

DOT—RSPA

Final Rule Stage

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB50

2175. ETIOLOGIC AGENTS; PROPOSAL TO REMOVE THE 50 MILLILITER EXCEPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking proposes to revise the definition of an etiologic agent, and remove the 50-milliliter per package exemption for such agents.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45525
NPRM Comment Period End	01/18/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/10/88 (53 FR 45525)

Additional Information: Docket HM-142A

Agency Contact: Ann Boylan, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB56

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Completed Actions

2176. + REQUIREMENTS FOR CARGO TANKS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None

Abstract: This rule modifies cargo tank specifications in sections 178.337-178.343 to improve clarity, quality control and safety, and provides for vacuum-loaded cargo tanks. It includes improved standards for inspection and testing of cargo tanks, improved valves and closures to prevent leakage and the risk of fire in overturns and other accidents, and new qualification criteria for cargo tank manufacturers, repairers, and inspectors. This rulemaking was developed in conjunction with FHWA. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866
NPRM Comment Period End	05/22/86	
Final Action	06/12/89	54 FR 24982
Correction to Final Rule	07/07/89	54 FR 28750
Final Action Effective	12/12/89	54 FR 24982

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/89 (50 FR 24982)

Additional Information: Docket Nos. HM-183, 183A. See specific applicability dates for effectiveness of the regulations adopted.

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137–AA42

2177. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: The final rule implements several changes to the system of collecting information on incidents involving the transportation of hazardous materials. The incident report form has been modified to provide more meaningful and comprehensive incident data, especially in terms of incident causation and consequence. Reporting requirements have been expanded to include closure of major transportation arteries or facilities, unscheduled events involving aircraft transporting hazardous materials, and fires associated with shipments of radioactive materials. This rulemaking is significant because of substantial public interest due to safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042
NPRM	03/27/87	52 FR 9996
NPRM Comment Period End	07/29/87	
Final Action	06/19/89	54 FR 25808
Final Action Effective	01/01/90	54 FR 25808

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/19/89 (54 FR 25808)

Additional Information: Docket HM-36B. The current form (F.5800.1) may be continued in use until the effective date of the final rule. However, compliance with the amended regulation is authorized immediately.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AA51

2178. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This action would propose consolidation and revision of regulations on classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations

Committee of Experts on the Transport of Dangerous Goods. This rulemaking is considered significant because of substantial public interest. It has now been consolidated into the overall rulemaking entitled Performance-Oriented Packaging Standards, RIN 2137-AA01.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2137-AA01	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-181A.

Agency Contact: D. Billings/C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA93

2179. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 46 CFR 146; 49 CFR 107; 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176

Legal Deadline: None

Abstract: This action involved consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. It is being terminated in order to give priority attention to other rulemakings.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Project 279-78

Agency Contact: C. Strombom/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA10

2180. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: The Department intended to propose exceptions from the regulations for private carriers which are licensed to use radioactive materials in the course of their businesses. However, this project is terminated in order to give priority attention to other rulemakings.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Project 298-82.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA28

2181. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department was considering addressing the possibility of continued use and needed modifications of certain radioactive materials package designs. However, this project is terminated in order to give priority attention to other rulemakings.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA29

2182. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department was considering soliciting comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials. However, this action is terminated in order to give priority attention to other rulemakings.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 291-80.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA30

2183. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department was considering revising the requirements for DOT Specification 51 Portable Tanks and to adopting certain provisions of the recommendations of the United Nations and the International Maritime Organization. However, this project is terminated in

order to give priority attention to other rulemakings.

Timetable:

Action	Date	FR Cite
Action Terminated	07/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 302-83.

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA36

2184. EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This rule requires additional emergency response information be included on shipping papers, carried on vehicles transporting hazardous materials, and be available at facilities handling hazardous materials during transportation.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	08/20/87	52 FR 31486
NPRM Comment Period Extended to 12/22/87	09/04/87	52 FR 33611
NPRM Comment Period End	09/21/87	52 FR 31486
Final Action	06/27/89	54 FR 27138
Correction to Final rule	07/07/89	54 FR 28750
Final Action Effective	04/02/90	54 FR 27138

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/27/89 (54 FR 27138)

Additional Information: HM-126C. Compliance with the amended regulations is authorized as of 07/31/89.

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA88

2185. HAZARDOUS MATERIALS: URANIUM HEXAFLUORIDE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This final rule amended the Hazardous Materials Regulations to permit the transport of uranium hexafluoride (UF6) in certain packagings that do not meet the requirements of either the American National Standards Institute (ANSI) Standard N14.1-1987 (ANSI N14.1-1987) or the specification for DOT Class 106 A multi-unit tank car tanks, and to permit the transport of depleted UF6 in packagings filled to a capacity not exceeding 62% by volume at 68 degrees Fahrenheit.

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	51 FR 12529
NPRM Comment Period End	07/01/86	51 FR 12529
Interim Final Rule	11/18/86	51 FR 41631
Revision to Final Rule	12/24/86	51 FR 46674
Emergency Final Rule	03/12/87	52 FR 7581
NPRM New	07/06/87	52 FR 25342
Revision to Final Rule	07/06/67	52 FR 25340
Amended NPRM	04/06/88	53 FR 11320
Comment Period Ends	05/06/88	
Final Action	08/29/89	54 FR 35651
Final Action Effective	09/28/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/11/86 (51 FR 12529)

Additional Information: Docket No. HM-166V.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AB10

2186. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE; ALTERNATE METHOD

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.611(a)

Legal Deadline: None

Abstract: This rule provides an alternate method for confirmation or revision of the maximum allowable operating pressure of pipelines previously tested to less than 90 percent of specified minimum yield strength. The alternate method allows operators to establish a maximum allowable operating pressure in proportion to the level permitted for pipelines tested to 90 percent of specified minimum yield strength, or more, without retesting the pipeline. Considerable cost savings are expected.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	53 FR 1043
NPRM Comment Period End	03/15/88	53 FR 1043
Final Action	06/06/89	54 FR 24173
Correction to Final Rule	06/19/89	54 FR 25716
Final Action Effective	07/06/89	54 FR 24173

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 06/06/89 (54 FR 24173)

Additional Information: Docket No. PS-97.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB20

2187. REAR BUMPERS ON CARGO TANK TRUCKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This action provides a 36-month period to allow operators of cargo tank trucks operated in combination with cargo tank full trailers to modify their front units by adding the required rear bumper or rear end tank protection device. This rulemaking was developed in conjunction with FHWA.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28605
NPRM Comment Period End	09/22/86	
Final Action	05/02/89	54 FR 18820
Final Action Effective	07/01/89	54 FR 18820

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/02/89 (54 FR 18820)

Additional Information: Docket No. HM-183B. Compliance with the amended regulations was authorized immediately.

Agency Contact: H. Mitchell/B. Byrd (FHWA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4545**

RIN: 2137–AB34

2188. ANNUAL REPORT FOR HAZARDOUS LIQUID PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 2010

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This action proposes to require that operators of hazardous liquid pipelines annually report pipeline mileage, needed for user fee assessments, and other information needed to administer the pipeline safety regulatory program.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2137-AB48	06/02/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: As this project has been consolidated into RIN 2137-AB48, "Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; and Pipe Inventory," it will no longer appear as a separate item in the Agenda.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB62

2189. INCORPORATION BY REFERENCE OF PORTIONS OF AMERICAN PETROLEUM INSTITUTE STANDARD 1104, SEVENTEENTH EDITION, 1988

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: In the safety standards for pipelines and liquefied natural gas facilities, the references to the welding requirements of the document "API 1104" are updated to the requirements of the 1988 edition of that document, except for the requirements of Appendix A, which is the subject of a separate rulemaking (RIN 2137-AB67). The previously referenced edition of "API 1104" is out of print.

Timetable:

Action	Date	FR Cite
Final Action	07/03/89	54 FR 27881
Correction to Final Action	07/28/89	54 FR 31405
Final Action Effective	08/02/89	54 FR 27881

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/03/89 (54 FR 27881)

Additional Information: A petition by the American Petroleum Institute (P-38) provided a basis for this rulemaking action. Docket No. PS-108. This action was formerly entitled: Updating References to API 1104.

Agency Contact: L. Ulrich, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 **366-1640**

RIN: 2137–AB68

2190. INCORPORATION BY REFERENCE OF AMERICAN PETROLEUM INSTITUTE SPECIFICATION 5L

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: The pipeline safety standards incorporate by reference the steel pipe manufacturing specification in "API 5L". The currently referenced edition of the document has been superseded by the 1988 edition. This rulemaking updated all references to refer to the 1988 edition. This updating permits operators to use steel pipe made in accordance with API's latest technical requirements.

Timetable:

Action	Date	FR Cite
Final Action	08/07/89	54 FR 32344
Final Action Effective	09/06/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 08/07/89 (54 FR 32344)

Additional Information: Petitions by Bethlehem Steel Corp. (P-33) and Transcontinental Gas Pipeline Corp. (P-36) provided a basis for this rulemaking action, which was formerly entitled: Updating References to API 5L.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB69

2191. TRANSPORTATION OF GAS AND HAZARDOUS LIQUIDS BY PIPELINE: REPORTING SAFETY-RELATED CONDITIONS; DISCOVERY OF CONDITIONS BY SMART PIGS; ENFORCEMENT RULES

Significance: Nonsignificant

DOT—RSPA

Completed Actions

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 190; 49 CFR 191; 49 CFR 195

Legal Deadline: None

Abstract: Requirements for reporting safety-related conditions on pipeline facilities and discovery of those conditions by instrumental internal inspection devices (smart pigs) was clarified. Also, new penalty provisions established by P.L. 100-561 was added to the pipeline safety enforcement procedures.

Timetable:

Action	Date	FR Cite
Final Action	08/07/89	54 FR 32342

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: Formerly entitled: Revised Pipeline Reporting and Enforcement Rules. Final rule with respect to Parts 191 and 195 is effective 08/07/89; changes to Part 190 are effective 10/31/89.

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-2392

RIN: 2137–AB70

2192. EXCEPTIONS FOR SPECIFIED QUANTITIES OF RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This action renews exceptions in the Hazardous Materials Regulations to permit the continued transportation by passenger-carrying aircraft of certain small quantities of radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 49895
NPRM Comment Period End	01/11/89	
Final Action	04/13/89	54 FR 14813
Final Action Effective	05/02/89	54 FR 14813

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/12/88 (53 FR 49895)

Agency Contact: Ann Boylan, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4488

RIN: 2137–AB73

2193. ● SETTLEMENTS AND COMPROMISES OF CIVIL PENALTY AND COMPLIANCE ORDER CASES

Significance: Nonsignificant

Legal Authority: 49 USC 1802; 49 USC 1806; 49 USC 1808 to 1811

CFR Citation: 49 CFR 107

Legal Deadline: None

Abstract: This final rule amends the procedural rules for civil penalty and compliance order cases under the Hazardous Materials Transportation Act. The rule allows parties to compromise or settle enforcement cases without the approval of an Administrative Law Judge even when the case is pending before an Administrative Law Judge.

Timetable:

Action	Date	FR Cite
Final Action	05/30/89	54 FR 22898
Final Action Effective	05/30/89	54 FR 22898

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George W. Tenley, Jr., Chief Counsel, Department of Transportation, Research and Special Programs Administration, 202 366-4400

RIN: 2137–AB76

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2194. + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC App 1114(b); 46 USC App 1156

CFR Citation: 46 CFR 250

Legal Deadline: None

Abstract: This regulation establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies. This rulemaking is significant due to substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2282

RIN: 2133–AA62

2195. + PROCEDURES GOVERNING THE EVALUATION OF BIDS FOR THE CARRIAGE OF PREFERRED CARGOES ON SUBSIDIZED VESSELS

Significance: Agency Priority

Legal Authority: 46 USC App 1114(b)

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This action would have solicited public comment to assist in evaluating requests received from an operator and another Department that MARAD expand the scope of its

procedures concerning evaluation of bids for the carriage of preference cargoes to apply to all types of preference cargo, specifically including civilian purchased preference and military cargoes. Existing procedures apply only to bulk cargoes. While considered significant, this contemplated action is temporarily suspended because maritime procurement procedures are undergoing a comprehensive review.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur S. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh St. S.W. Washington, D.C. 20590, 202 366-2323

RIN: 2133–AA77

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Proposed Rule Stage

2196. + REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

Significance: Agency Priority

Legal Authority: 46 USC App 705; 46 USC App 802; 46 USC App 803; 46 USC App 808; 46 USC App 835; 46 USC App 839; 46 USC App 841a; 46 USC App 1195; 46 USC App 1114(b); PL 100-710

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: These interim final regulations amend MARAD's regulations regarding transfers of interests in U.S. documented vessels and approval of vessel mortgagees and trustees pursuant to P.L. 100-710. Publication of an interim final rule permit implementation of the new law without a hiatus and would minimize transitional uncertainty among the corporate and financial communities that are affected. This rulemaking is considered significant because of substantial public interest. In view of comments received to the interim final rule, a new supplemental NPRM will be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/02/89	54 FR 5382
Correction to Interim Final Rule	02/27/89	54 FR 8195
NPRM (Supplemental)	10/02/89	

RIN 2133-AA73

ANPRM 11/02/88 (53 FR 44206)
ANPRM - Comments End 01/03/89
NPRM 03/10/89 (54 FR 10168)
NPRM - Comments End 04/24/89

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 971 National Security; 972 International Affairs

Analysis: Regulatory Evaluation 02/02/89 (54 FR 5382)

Additional Information: The interim final rule was effective 02/02/89; the comment period ended 04/03/89. RIN 2133-AA73 was merged with this rule on 6/29/89.

Agency Contact: Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 7th St., SW, Washington, DC 20590, 202 366-5711

RIN: 2133–AA79

2197. REQUIREMENTS FOR CONDUCTING VESSEL SUBSIDY CONDITION SURVEYS AND FOR ACCOMPLISHING SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b); 46 USC App 1173

CFR Citation: 46 CFR 272

Legal Deadline: None

Abstract: This regulation would amend and clarify current MARAD procedures for the administration of maintenance and repair subsidy and the requirement for condition surveys.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35509
NPRM Comment Period End	10/27/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: John J. Davis, Chief, Div. of Ship Management, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-5776

RIN: 2133–AA64

2198. FEDERAL INCOME TAX ASPECTS OF THE CAPITAL CONSTRUCTION FUND

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b); 46 USC App 1177

CFR Citation: 46 CFR 391

Legal Deadline: None

Abstract: The Maritime Administration and Department of the Treasury are jointly proposing to amend the regulations for determining the tax liability of participants in a Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (PL 99-514). This rulemaking is a companion to RIN 2133-AA65, which proposes to implement changes in regulations for administering the CCF, consistent with PL 99-514.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

DOT—MarAd

Proposed Rule Stage

Agency Contact: Jean E. McKeever, Chief, Division of Capital Assets, Department of Transportation, Maritime Administration, 400 Seventh Street SW, Washington, DC, 366, 202, **202 366-1905**

RIN: 2133–AA78

2199. ● WAR RISK INSURANCE

Significance: Nonsignificant

Legal Authority: 46 USC App. 1114(b); 46 USC App. 1283

CFR Citation: 46 CFR 308

Legal Deadline: None

Abstract: This rulemaking proposes to amend MARAD's War Risk Insurance regulations to permit certain vessels registered in the Republic of the Marshall Islands to become eligible to apply for war risk insurance. Under the existing regulations, only vessels registered under United States law, as well as certain vessels that are owned or controlled by U.S. citizens and registered under the laws of Panama, Honduras, Liberia, and the Bahamas, are eligible to apply for war risk insurance interim binders.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis Insurance, Maritime Administration, Department of Transportation, Maritime Administration, **202 366-2400**

RIN: 2133–AA81

DEPARTMENT OF TRANSPORTATION (DOT)

Final Rule Stage

Maritime Administration (MarAd)

2200. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC App 1242(b); 46 USC App 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. Calculation of fair and reasonable rates would be based on industry cost data supplied by participating carriers. It would establish requirements for submission of data on which the calculations would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
First SNPRM Comments due 03/17/87	12/17/86	51 FR 45135
Second SNPRM Comments due 08/12/88	06/28/88	53 FR 24324
Public Hearing Notice	08/22/88	53 FR 31870
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Draft Regulatory Evaluation 12/17/86 (51 FR 45135)

Additional Information: This rulemaking was split from an earlier, completed rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN 2133-AA02). Cargo preference regulations was last revised in 1977 (49 CFR 381).

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2323**

RIN: 2133–AA43

2201. + OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; EXCLUSION OF COMMERCIAL CARGOES RESERVED FOR U.S.-FLAG CARRIERS

Significance: Regulatory Program

Legal Authority: 46 USC App 1114

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: MARAD has proposed a rulemaking that clarifies its policy that cargoes which are not preference cargoes, but are reserved to U.S.-flag vessels by agreement of countries which receive U.S. foreign assistance in the form of cash transfers (or any similar cash assistance program), are not "commercial" cargoes, subject to foreign competition and are therefore not subsidizable. This rulemaking is considered significant because it concerns a matter on which there is substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37536
NPRM Comment Period End	11/25/88	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 09/26/88 (53 FR 37536); Final Regulatory Evaluation 10/02/89

Agency Contact: Edmond Fitzgerald, Director, Off. of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, **202 366-2400**

RIN: 2133–AA66

DOT—MarAd

Final Rule Stage

2202. + PROCEDURES RELATING TO THE CONDUCT OF HEARINGS UNDER THE MERCHANT MARINE ACT, 1936

Significance: Agency Priority

Legal Authority: 46 USC App 1114(b); 46 USC App 1175(c); 46 USC App 1223(a)

CFR Citation: 46 CFR 203 (New); 46 CFR 201

Legal Deadline: None

Abstract: Regulations would establish procedures relating to the conduct of hearings under the Merchant Marine Act, 1936, as amended, prior to approval of applications for operating differential subsidy. The procedures to be proposed would allow MARAD to render more timely decisions by providing alternatives to the conduct of evidentiary hearings, in appropriate circumstances. This rulemaking is significant because of substantial public interest in the award or amendment of ODS contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
NPRM Comment Period End	08/24/79	
Notice of Intent Re Policy Change	05/13/88	53 FR 17134
NPRM Comments Due 06/26/89	05/11/89	54 FR 20402
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Analysis: Regulatory Evaluation 05/11/89 (54 FR 20402)

Additional Information: This rulemaking is more limited in scope than what was to be developed in a 1979 NPRM, "Rules of Practice and Procedures for Hearing in ODS Applications." The RIN has been retained, although the title has been further revised.

Agency Contact: Murray A. Bloom, Chief, Division of Maritime Aids, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5164

RIN: 2133–AA20

2203. CAPITAL CONSTRUCTION FUND

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b); 46 USC App 1177; PL 99-514

CFR Citation: 46 CFR 390.391

Legal Deadline: None

Abstract: The Maritime Administration is amending its regulations concerning the Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (P.L. 99-514) relative to the operation of a CCF. This rulemaking proposes to amend the regulations at 46 CFR Part 390 governing the administration of a CCF to reflect changes made by PL 99-514. Other regulations are being developed jointly with the Department of the Treasury (IRS) to implement provisions of PL 99-514 relating to Federal Income Tax Aspects of the Capital Construction Fund (46 CFR 391). See RIN 2133-AA78.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43907
Correction to NPRM Preamble	11/14/88	53 FR 45783
Correction to NPRM	11/21/88	53 FR 46999
Comment Period Extended to 01/03/89	12/12/88	53 FR 49895
NPRM Comment Period End	12/15/88	53 FR 43907
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Analysis: Regulatory Evaluation 11/00/89

Agency Contact: Jean E. McKeever, Chief, Div. of Capital Assets Management, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1905

RIN: 2133–AA65

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Completed Actions

2204. + CARGO PREFERENCE -- IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC App 1241

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: These amendments to the existing cargo-preference regulations would have implemented S1142 of P.L. 98-198, the Food Security Act of 1985, that clarifies the applicability of cargo-preference requirements to the shipment of U.S. agricultural products. This regulation was terminated because the passage of time while awaiting the U.S. Court of Appeals decision involving allocation of preference cargoes to port ranges has made a number of issues irrelevant and rendered other issues no longer appropriate. This rulemaking was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Action Terminated	06/25/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5517

RIN: 2133–AA55

2205. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC App 1184; 46 USC App 1114(b); PL 97-35

CFR Citation: 46 CFR 295, (New); 46 CFR 201

Legal Deadline: None

Abstract: These regulations were intended to implement Sec. 1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new Sec. 614 to the Merchant Marine Act, 1936 (46 App. U.S.C. 1184).

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
Withdrawn	06/12/89	54 FR 24914

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Additional Information: NPRM was withdrawn because the Maritime Subsidy Board final Opinion and Order in Docket S-764, that does not require CDS repayment for bulk vessels carrying preference cargoes, is a more attractive alternative for operators than ODS suspension that requires CDS repayment. Also, operator of only liner vessels to make election is in bankruptcy.

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2256**

RIN: 2133–AA17

2206. REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL, OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Nonsignificant

Legal Authority: 46 USC App 1295

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: The Maritime Administration provides support to six State maritime schools for maritime education. The Federal support is outlined in agreements that have been executed between MARAD and the schools. This regulation was terminated because it was prepared in anticipation of legislation which has not been enacted that would have modified these agreements.

Timetable:

Action	Date	FR Cite
Action Terminated	05/24/89	

Small Entities Affected: None

Government Levels Affected: State

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Agency Contact: Bruce Carlton, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-5755**

RIN: 2133–AA57

2207. CARGO PREFERENCE – U.S.-FLAG VESSELS; DEPARTMENT OF DEFENSE SPONSORED AND GENERATED OCEANBORNE CARGOES

Significance: Nonsignificant

Legal Authority: 46 USC App 1241(b)

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: This action was terminated because the Department of Defense (DOD) has already complied with two cargo preference statutes that require that minimum specified percentages of oceanborne cargoes sponsored and generated by DOD be carried on privately owned U.S.-flag commercial vessels in a rulemaking, Defense Aquisition Circular 88-6, published at 54 Federal Register 16111.

Timetable:

Action	Date	FR Cite
Action Terminated	06/27/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 473 Arrangement of Transportation of Freight and Cargo; 971 National Security

Agency Contact: S. Thomas Romeo, Chief, Division of National Cargo, Department of Transportation, Maritime Administration, 400 Seventh Street SW (MAR-820), Room 7209, Washington, DC 20590, **202 366-4610**

RIN: 2133–AA69

2208. APPROVAL OF VESSEL CHARTERS TO NONCITIZENS

Significance: Nonsignificant

Legal Authority: 46 USC App 808; 46 USC App 839; 46 USC App 1114(b)

CFR Citation: 46 CFR 221.7

Legal Deadline: None

Abstract: MARAD has received a petition for rulemaking from an association representing oil-drilling contractors requesting that MARAD expand the scope of its general approval of charters to noncitizens (without obtaining prior MARAD approval) to include (1) intra-company charters of mobile offshore drilling units (MODUs) regardless of their duration; and (2) all bareboat charters and subcharters of MODUs to facilitate their employment in foreign business activities. The issues involved are being subsumed in the broader rulemaking in RIN 2133-AA79 and are consolidated therein.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/88	53 FR 44206
ANPRM Comment Period End	01/03/89	
NPRM	03/10/89	54 FR 10168
NPRM Comment Period End	04/24/89	
Consolidated into RIN 2133-AA79	06/29/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 448 Water Transportation of Passengers

Agency Contact: Jessie Fernanders, Vessel Transfer & Disposal Officer, Department of Transportation, Maritime Administration, 400 Seventh St., SW., Room 2112, Washington, DC 20590, **202 366-5111**

RIN: 2133–AA73

2209. ● OBLIGATION GUARANTEES; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b); 46 USC App 1279b

CFR Citation: 46 CFR 298; 49 CFR 1.66

Legal Deadline: None

Abstract: This rule merely effects changes in definitions and other provisions of the regulations for the vessel obligation guarantee program (Title XI Program) to reflect and be consistent with provisions in P.L. 100-70 and implementing MARAD regulations at 46 CFR Part 221. These amendments make no substantive changes in the administration of the Title XI Program.

Timetable:

Action	Date	FR Cite
Final Action	04/13/89	54 FR 14812
Final Action Effective	04/13/89	54 FR 14812

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 448 Water Transportation of Passengers

Agency Contact: Edmund T. Sommer, Jr., Chief, Division of Regulations, Office of the Chief Counsel, Department of Transportation, Maritime Administration, 400 7th St., S.W., Washington, D.C. 20590, 202 366-5181

RIN: 2133–AA80

[FR Doc. 89-23080 Filed 10-27-89; 8:45 am]

BILLING CODE 4910-62-T

10-30-89
Vol. 54 No. 208

federal register

Monday
October 30, 1989

Book 3 of 3 Books

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

10-30-89
Vol. 54 No. 208

BOOK 3:
Pages 45055-45728

Federal Register

Book 3 of 3 Books
Monday, October 30, 1989

Unified Agenda of Federal Regulations

45056 Part XV—Department of the Treasury
45226 Part XVI—Department of Veterans Affairs
45256 Part XVII—ACTION
45260 Part XVIII—Advisory Council on Historic Preservation
45262 Part XIX—Agency for International Development
45266 Part XX—Architectural and Transportation Barriers Compliance Board
45270 Part XXI—Commission on Civil Rights
45272 Part XXII—Environmental Protection Agency
45350 Part XXIII—Equal Employment Opportunity Commission
45356 Part XXIV—Federal Emergency Management Agency
45366 Part XXV—Federal Mediation and Conciliation Service
45368 Part XXVI—General Services Administration
45388 Part XXVII—Merit Systems Protection Board
45392 Part XXVIII—National Aeronautics and Space Administration
45404 Part XXIX—National Archives and Records Administration
45410 Part XXX—National Capital Planning Commission
45412 Part XXXI—National Foundation on the Arts and the Humanities/National Endowment for the Arts
45416 Part XXXII—National Foundation on the Arts and the Humanities/National Endowment for the Humanities
45420 Part XXXIII—National Science Foundation
45422 Part XXXIV—Office of Management and Budget
45428 Part XXXV—Office of Personnel Management
45446 Part XXXVI—Panama Canal Commission
45450 Part XXXVII—Peace Corps
45452 Part XXXVIII—Pennsylvania Avenue Development Corporation
45454 Part XXXIX—Pension Benefit Guaranty Corporation
45462 Part XL—Railroad Retirement Board

(Continued)

45470 Part XLI—Selective Service System

45472 Part XLII—Small Business Administration

45482 Part XLIII—Tennessee Valley Authority

45486 Part XLIV—Department of Defense/General Services Administration/National Aeronautics and Space Administration

45514 Part XLV—Commodity Futures Trading Commission

45520 Part XLVI—Consumer Product Safety Commission

45530 Part XLVII—Farm Credit Administration

45536 Part XLVIII—Federal Communications Commission

45554 Part XLIX—Federal Deposit Insurance Corporation

45562 Part L—Federal Energy Regulatory Commission, DOE

45568 Part LI—Federal Home Loan Bank Board

45578 Part LII—Federal Maritime Commission

45586 Part LIII—Federal Reserve System

45598 Part LIV—Federal Trade Commission

45606 Part LV—Interstate Commerce Commission

45612 Part LVI—National Credit Union Administration

45620 Part LVII—Nuclear Regulatory Commission

45646 Part LVIII—Securities and Exchange Commission

Federal Register

Monday
October 30, 1989

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.[1]

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific departmental offices' regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda, contact Richard S. Carro, Associate General Counsel, Room 1422, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 566-2558, not a toll-free call.

Dated: August 29, 1989.

Richard W. Porter,

Acting Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2210	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17

Departmental Offices—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2211	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements by Casinos	1505-AA10
2212	31 CFR 103 Proposed Amendment to the Bank Secrecy Act Regulations Relating to Identification Required to Purchase Bank Checks, Cashier's Checks, Traveler's Checks and Money Orders	1505-AA32
2213	31 CFR 17 Enforcement of Nondiscrimination on the Basis of Handicap in Treasury Programs	1505-AA34

[1] The regulatory agenda of the former Federal Home Loan Bank Board appears in Part LI of this issue of the **Federal Register**. Beginning with the April 1990 edition of the Unified Agenda, FHLBB items will be reported in the agenda of the Office of Thrift Supervision, Department of the Treasury, or the agendas of the other agencies to which authority for the items has been transferred by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

TREAS—DO

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2214	31 CFR 103 Bank Secrecy Act Regulations; Amendments Regarding the International Transportation and Receipt of Monetary Instruments	1505-AA31
2215	31 CFR 103 Amendment to the Bank Secrecy Act Regulations Relating to Geographic Reporting of Certain Domestic Currency Transactions	1505-AA33

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Departmental Offices (DO)

2210. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	09/27/86	51 FR 30510
NPRM Comment Period End	10/14/86	51 FR 29113
Extend public comment period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 535-6787**

RIN: 1505–AA17

DEPARTMENT OF THE TREASURY (TREAS)

Final Rule Stage

Departmental Offices (DO)

2211. PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations contain 16 amendments to the Bank Secrecy Act regulations that are designed to respond to substantial noncompliance with the current regulations by casinos.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31370
NPRM Comment Period End	10/17/88	53 FR 31370
Comment Period Extension To 11/14/88	10/28/88	53 FR 43736
Comment Period Extension To 12/14/88	12/01/88	53 FR 48551
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Zoscak, Jr., Attorney-Advisor, Office of the Assistant General Counsel (Enforcement), Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 2000, Washington, DC 20220, **202 566-2914**

RIN: 1505–AA10

TREAS—DO

Final Rule Stage

2212. PROPOSED AMENDMENT TO THE BANK SECRECY ACT REGULATIONS RELATING TO IDENTIFICATION REQUIRED TO PURCHASE BANK CHECKS, CASHIER'S CHECKS, TRAVELER'S CHECKS AND MONEY ORDERS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5324; PL 100-690, Sec 6185(b)

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This advance notice solicits public comments on the implementation of section 6185(b) of the Anti-Drug Abuse Act of 1988, which requires the issuance of regulations prescribing what identification shall be provided by purchasers of cashier's checks, traveler's checks, money orders and bank checks.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/88	53 FR 61846
Extension of comment period to 02/15/89	01/19/89	54 FR 02138
ANPRM Comment Period End	01/22/89	
NPRM	08/22/89	54 FR 34791
NPRM Comment Period End	10/23/89	54 FR 34791

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney Advisor, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, 202 566-9947

RIN: 1505-AA32

2213. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN TREASURY PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 31 CFR 17

Legal Deadline: None

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Department of the Treasury.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24203
NPRM Comment Period End	08/07/89	54 FR 24203
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlene J. Robinson, Director, Human Resources Directorate, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW., Washington, DC 20220, 202 566-5256

RIN: 1505-AA34

DEPARTMENT OF THE TREASURY (TREAS)

Departmental Offices (DO)

Completed Actions

2214. BANK SECRECY ACT REGULATIONS; AMENDMENTS REGARDING THE INTERNATIONAL TRANSPORTATION AND RECEIPT OF MONETARY INSTRUMENTS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5324

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This notice defines the term "at one time" for the purposes of the international transportation and receipt of monetary instruments and proposes to clarify the definition of "monetary instruments" as it pertains to traveler's checks.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45774
Technical correction	11/18/88	53 FR 46634
Technical correction	12/07/88	53 FR 49378
NPRM Comment Period End	01/13/89	53 FR 45774
Final Action	07/06/89	54 FR 28416
Final Action Effective	08/07/89	54 FR 28416

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney Advisor, Department of the Treasury, Departmental Offices, Room

4320, Washington, DC 20220, 202 566-9947

RIN: 1505–AA31

2215. AMENDMENT TO THE BANK SECRECY ACT REGULATIONS RELATING TO GEOGRAPHIC REPORTING OF CERTAIN DOMESTIC CURRENCY TRANSACTIONS

Legal Authority: 12 USC 1730d; 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5326; PL 100-690, Sec 6185(c)

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: Section 6185(c) of the Anti-Drug Abuse Act of 1988 permits the issuance of orders to identify financial institutions in certain geographic locations for special reporting of currency transactions in amounts less than $10,000 for a limited period of time. The proposal describes the procedures that would be followed in issuing such orders.

Timetable:

Action	Date	FR Cite
NPRM	03/24/89	54 FR 12238
NPRM Comment Period End	05/08/89	54 FR 12238
Final Action	08/16/89	54 FR 33675
Final Action Effective	09/15/89	54 FR 33675

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney Advisor, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, 202 566-9947

RIN: 1505–AA33

[FR Doc. 89-21725 Filed 10-27-89; 8:45 am]

BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Public Law 96-354, September 19, 1980) and Executive Order 12291 (Federal Regulation, February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

Dated: August 24, 1989.

Bland T. Brockenborough,

Acting Commissioner.

Financial Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2216	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00
2217	31 CFR 225,(Revision) Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds	1510-AA13

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2218	31 CFR 223, (Revision) Regulations Governing Surety Companies Doing Business with the United States	1510-AA12

TREAS—FMS

Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2219	31 CFR 210, (Revision) Federal Payments through Financial Institutions by the Automated Clearing House Method ...	1510-AA09
2220	31 CFR 235 Time Limitation on Payment and Cancellation of Treasury Checks and Reclamation Actions and Claims	1510-AA11

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Prerule Stage

2216. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 31 USC 6503

CFR Citation: 31 CFR 205

Legal Deadline: None

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for program purposes in accordance with Federal law, regulation or Federal/State agreement.(cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation.This regulation is pending regulation.

Agency Contact: Michael C. Salapka, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 420B, Washington, DC 20227, 202 287-0590

RIN: 1510–AA00

2217. ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Significance: Agency Priority

Legal Authority: 31 USC 9303

CFR Citation: 31 CFR 225,(Revision)

Legal Deadline: None

Abstract: The revision will address changes to definitions in the areas of acceptable securities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 259, Washington, DC, 20227, 202 287-3915

RIN: 1510–AA13

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Proposed Rule Stage

2218. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309

CFR Citation: 31 CFR 223, (Revision)

Legal Deadline: None

Abstract: The revision makes editorial changes, and contains substantive changes to sections concerning business experience, collateral and reinsurance requirements. Substantive changes include: 1) a 3-year aging requirement in order to qualify for Treasury certification, 2) elimination of the alternative to use collateral for protecting excess risks, and 3) a requirement that all reinsurance on Federal bonds be placed with companies recognized by Treasury for reinsurance purposes. The proposed regulations provide provisions for exceptions to the aging and reinsurance regulations under certain circumstances. These regulations will help Treasury ensure that certified companies are capable of carrying out their surety contracts.

TREAS—FMS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29039
NPRM Comment Period End	10/19/87	52 FR 37334

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 259, Washington, DC 20227 **202 287-3915**

RIN: 1510–AA12

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Completed Actions

2219. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None

Abstract: Revision of 31 CFR Part 210 will clarify the breadth of payments governed by the regulations. These include non-benefit payments such as vendor payments, miscellaneous payments, Internal Revenue Service (IRS) tax refunds, savings bonds, grants and loans. It will also include the payment of discretionary allotments of net pay of Federal employees' salaries by DD/EFT. Electronic funds thus transferred through the Federal Reserve System eliminate the possibility of checks being lost, stolen, or forged. The Federal Government's operating efficiency will be improved, productivity will be increased, and the costs associated with the current methods will be reduced.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 144
NPRM Comment Period End	09/26/88	
Final Action	05/12/89	54 FR 20568
Final Action Effective	06/12/89	54 FR 20568

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sheryl Morrow, Manager, Policy Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 328, Washington, DC 20227, **202 287-0308**

RIN: 1510–AA09

2220. TIME LIMITATION ON PAYMENT AND CANCELLATION OF TREASURY CHECKS AND RECLAMATION ACTIONS AND CLAIMS

Significance: Agency Priority

Legal Authority: PL 100-86, Sec 1005 Title X; 31 USC 3328; 31 USC 3334; 31 USC 3712(a)

CFR Citation: 31 CFR 235; 31 CFR 240; 31 CFR 245

Legal Deadline: Final, Statutory, October 1, 1989.

The Secretary of the Treasury, using his legal authority, extended the date the amendments shall become effective to 10/01/89. The notice of the extension appears at 53 FR 3584.

Abstract: These regulations are required under PL 100-86, Sec 1005, and they will prescribe rules and procedures necessary in order to implement the time limitation on payment and cancellation of Treasury checks and reclamation actions and claims.

Timetable:

Action	Date	FR Cite
Final Action	08/29/89	54 FR 35639
Final Action Effective	10/01/89	54 FR 35639

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joan Pesata, Director, Limited Payability Project, Department of the Treasury, Financial Management Service, 3700 East-West Highway, Room 816-C, Prince Georges Center II Bldg., Hyattsville, MD 20782, **301 436-7172**

RIN: 1510–AA11

[FR Doc. 89-21726 Filed 10-27-89; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 672]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General Notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the

regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of April 1990.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact" for the regulatory project.

For general information about this general notice, contact Lori Weins, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226; (202) 566-7626.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: August 18, 1989.

Stephen E. Higgins,

Director.

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2221	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2222	27 CFR 4 Wine Labeling Regulation Issues	1512-AA31
2223	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2224	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2225	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2226	27 CFR 4.73 Standards of Fill for Wine and Distilled Spirits	1512-AA77
2227	27 CFR 55 Explosives Storage Regulations	1512-AA85
2228	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2229	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2230	27 CFR 9 American Viticultural Areas	1512-AA07
2231	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2232	27 CFR 197 Nonbeverage Drawback	1512-AA20
2233	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2234	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word "Light (Lite)"	1512-AA48
2235	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2236	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2237	27 CFR 4.35 Winemaking Terminology	1512-AA70
2238	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2239	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2240	27 CFR 5.39 Label Disclosure for Brandy Treated with Wood	1512-AA81
2241	27 CFR 16 Warning Statement on Alcoholic Beverages	1512-AA82
2242	27 CFR 55 Fireworks Regulations	1512-AA52
2243	27 CFR 179 NFA Collector's Items (Machine Guns, Destructive Devices and Certain Other Firearms)	1512-AA84
2244	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2221. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA17

2222. WINE LABELING REGULATION ISSUES

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: Wine labeling issues addressed: 1. Transported grapes to retain viticultural area designation 2. Certain wines allowed "other than standard" on label 3. Harvest date for fruit, berry and agricultural wines 4. Another use of the term "Estate Bottled" 5. Harvest labeling for wine.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA31

2223. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA50

2224. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20026, 202 566-7531

RIN: 1512–AA69

2225. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ed Reisman, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA72

2226. STANDARDS OF FILL FOR WINE AND DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.73; 27 CFR 5.47

Legal Deadline: None

Abstract: ATF is considering amending the standard of fill requirements for wine and distilled spirits. Based, in part, on a petition it has received, the Bureau wishes to gather information by inviting comments from the public and industry concerning the existing standards of fill.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 26385
ANPRM Comment Period Extended	08/14/87	52 FR 30390
ANPRM Comment Period End	08/24/87	

TREAS—BATF **Proposed Rule Stage**

Action	Date	FR Cite
ANPRM	10/23/87	
Extended Comment Period End		
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Ed Reisman 566-7531

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512–AA77

2227. ● EXPLOSIVES STORAGE REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 841-848

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: There is a need to provide information to Emergency Response Personnel (ERP) concerning over-the-road vehicles and other facilities storing blasting agents. Recently ERP were killed while fighting a fire involving stored blasting agents. Placards which are required by the Department of Transportation during the transportation of blasting agents will be required on all facilities.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	54 FR 36325
NPRM Comment Period End	10/31/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Crowley, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 789-3029

RIN: 1512–AA85

TOBACCO PRODUCTS

2228. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA33

DEPARTMENT OF THE TREASURY (TREAS) — Final Rule Stage

Bureau of Alcohol, Tobacco and Firearms (BATF)

ALCOHOL

2229. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Legal Deadline: None

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9873
NPRM Comment Period End	06/25/87	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA06

2230. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Arroyo Grande Valley, CA (contact Robert White)
NPRM 07/20/89 (54 FR 30398)
NPRM Comment Period End 09/05/89
Final Action 02/00/90

Mt. Veeder, CA (contact David Brokaw)
NPRM 07/14/89 (54 FR 29739)
NPRM Comment Period End 08/28/89
Final Action 02/00/90

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA07

2231. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	02/19/86	51 FR 6009
NPRM Comment Period End	05/20/86	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA10

2232. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
Final Action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SMALL ENTITIES CONT: This regulation affects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA20

2233. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	51 FR 8098
NPRM Comment Period End	07/07/86	
NPRM Comment Period Extended	07/08/86	51 FR 24719
NPRM Extended Comment Period End	12/31/86	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA42

2234. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD "LIGHT (LITE)"

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28836
NPRM Comment Period End	11/10/86	
NPRM Comment Period Reopened	11/14/86	51 FR 41355
NPRM Reopened Comment Period End	12/31/86	
NPRM	06/17/88	53 FR 22678
NPRM Comment Period End	08/15/88	
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Extended Comment Period End	11/15/88	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA48

2235. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

TREAS—BATF

Final Rule Stage

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
NPRM Extended Comment Period End	03/01/85	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA61

2236. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on domestic wine labels. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period End	07/07/86	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 789-3178

RIN: 1512–AA67

2237. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None

Abstract: ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
NPRM Comment Period End	09/26/86	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA70

2238. NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12024
NPRM Comment Period End	07/11/88	
NPRM Comment Period Extended	07/13/88	53 FR 26448
NPRM Extended Comment Period End	10/11/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gale Guinand, International Liaison Officer, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 789-3011

RIN: 1512–AA71

2239. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages,

because of evidence indicating the possibility of allergic-type reactions to the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	52 FR 33603
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA76

2240. LABEL DISCLOSURE FOR BRANDY TREATED WITH WOOD

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.39

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations in 27 CFR Part 5 concerning the wording, and placement, of the disclosure statement for brandy treated with wood.

Timetable:

Action	Date	FR Cite
NPRM	05/24/88	53 FR 18574
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Comment Period End	08/22/88	
NPRM Extended Comment Period End	11/22/88	
General Notice Extending Use-up Period	07/14/89	54 FR 29701
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 200226, **202 566-7626**

RIN: 1512–AA81

2241. WARNING STATEMENT ON ALCOHOLIC BEVERAGES

Significance: Agency Priority

Legal Authority: 27 USC 215

CFR Citation: 27 CFR 16

Legal Deadline: Other, Statutory, February 16, 1989.
Temporary Rule with Notice

Abstract: This temporary rule implements the provisions of the Alcoholic Beverage Labeling Act of 1988, Title VIII of the Anti-Drug Abuse Act of 1988 (Public Law 100-690). The regulations implement the statute by requiring that a health warning statement appear on the labels of all containers of alcoholic beverages sold or distributed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7164
Interim Final Rule	02/16/89	54 FR 7160
NPRM Comment Period End	04/03/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA82

FIREARMS

2242. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 841-848

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: Information gathering on safe handling of explosive materials in the fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	07/20/88	53 FR 27452
NPRM Comment Period End	09/19/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Crowley, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 789-3029**

RIN: 1512–AA52

2243. ● NFA COLLECTOR'S ITEMS (MACHINE GUNS, DESTRUCTIVE DEVICES AND CERTAIN OTHER FIREARMS)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 179

Legal Deadline: None

Abstract: Proposal to establish an age of 50 years before a National Firearms Act firearm can be considered a collector's item and removed from the provisions of the Act. The industry now has no guidance because the "date of manufacture" in the regulations is indeterminate.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	54 FR 23490
NPRM Comment Period End	07/31/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Barry Fields, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 789-3031**

RIN: 1512–AA84

TREAS—BATF **Final Rule Stage**

TOBACCO PRODUCTS

2244. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA28

[FR Doc. 89-21727 Filed 10-27-89; 8:45 am]

BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on April 24, 1989 (54 FR 17064) are also included. It is expected that this semiannual agenda will enable the public to be more aware of and allow it to more effectively participate in the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities" and, therefore, are not subject to the provisions of the act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: August 14, 1989.

Robert L. Clarke,

Comptroller of the Currency.

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2245	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2246	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office is Not a Party	1557-AA57
2247	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2248	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2249	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2250	12 CFR 4 Supervision of Bank Operations	1557-AA67
2251	12 CFR 5.33 Merger, Consolidation, Purchase and Assumption	1557-AA71
2252	12 CFR 32 Lending Limits	1557-AA72
2253	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA75
2254	12 CFR 4 Description of Office, Procedures, Public Information	1557-AA77

TREAS—OCC

Comptroller of the Currency—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2255	12 CFR 7.3400 Leasing of Personal Property	1557-AA80
2256	12 CFR 12.7 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA84
2257	12 CFR 7.7490 Messenger Service	1557-AA85
2258	12 CFR 5.61 Rules, Policies, and Procedures for Corporate Activities; Payment of Dividends	1557-AA86
2259	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA87

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2260	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2261	12 CFR 32.2(d) Lending Limits	1557-AA32
2262	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2263	12 CFR 5.49 Receivership and Conservatorship	1557-AA82

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2264	12 CFR 21 Reports of Crimes and Suspected Crimes	1557-AA74

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Comptroller of the Currency (OCC)

2245. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: Comments in response to a prior rulemaking Final Rule Docket No. 80-16 (46 FR 71571) published October 29, 1980, included recommendations that additional amendments should be made to 12 CFR 9. The OCC believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The OCC requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. In view of the favorable disposition of litigation impacting on the fiduciary powers of national banks and collective investment funds (Investment Company Institute v. Clarke, 789 F.2d 175 (2d Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Conover, 790 F.2d 925 (D.C. Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, 793 F.2d 220 (9th Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Clarke, No. 86-3725 (W.D.N.C. August 25, 1986)(appeal withdrawn by stipulation, Jan. 6, 1987), the project has been reactivated. The effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA04

2246. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 12 USC 481; 5 USC 552(b)(8)

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b)

Legal Deadline: None

Abstract: This rule governs the release by the OCC of confidential documents, especially reports of examination, and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1893**

RIN: 1557–AA57

2247. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and the OCC concerning banks' loan portfolios, including loans to borrowers in foreign countries experiencing liquidity problems, other sources of income and exposure to risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the OCC in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The OCC considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the OCC determined it was appropriate to propose the additional requirements as amendments to Part 11 because the OCC believes the proposed requirements will help to clarify the types of disclosures which the OCC, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The proposed rule will also include amendments to update Part 11 to conform with recent amendments by the Securities and Exchange Commission to its Securities Exchange Act Disclosure Rules. The (CONT)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557–AA58

2248. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This regulation contains the OCC's disclosure requirements for securities offerings by national banks. The OCC is considering revisions which would clarify the coverage of the rule, specify the OCC's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR 11, and where practicable, incorporate by reference provisions of 12 CFR 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557–AA65

2249. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barrett Aldemeyer, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1632**

RIN: 1557–AA66

2250. SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 481; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1893

RIN: 1557–AA67

2251. MERGER, CONSOLIDATION, PURCHASE AND ASSUMPTION

Legal Authority: 12 USC 93a; 12 USC 181; 12 USC 214a; 12 USC 215; 12 USC 215a; 12 USC 1828(c)

CFR Citation: 12 CFR 5.33; 12 CFR 11.590

Legal Deadline: None

Abstract: The OCC proposes to amend 12 CFR 5.33 to set forth the OCC's merger proxy statement filing requirements for banks that do not have a class of equity securities registered under the Securities Exchange Act of 1934 ("Exchange Act"), and to specify the disclosure that is required of such banks for various types of merger transactions. This action is expected to assist bank merger applicants in preparing their merger proxy materials, which are subject to OCC review and clearance pursuant to the OCC's merger procedures. The effect on small entities will be considered in development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Laura Plaze, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA71

2252. LENDING LIMITS

Legal Authority: 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Legal Deadline: None

Abstract: The OCC is considering several amendments to the lending limits regulation to simplify, clarify and improve that regulation. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

Agency Contact: Deborah Katz, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557–AA72

2253. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: This rulemaking will update 12 CFR 12 in light of the final regulations issued July 24, 1987 (52 FR 27910) by the Department of the Treasury as required by the Government Securities Act of 1986. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1901

RIN: 1557–AA75

2254. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Legal Authority: 5 USC 552; EO 12600

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This proposed regulation implements recent amendments to the Freedom of Information Act (FOIA). The amendments concern Exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers. In addition, the proposed regulation implements Executive Order 12600, which deals with predisclosure notification procedures for confidential commercial information. This proposed regulation also makes technical changes to the OCC's existing FOIA regulation. The proposed regulation, and the OCC's FOIA regulations in general, affect public disclosure of information by the OCC. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/10/89	54 FR 32820
NPRM Comment Period End	10/10/89	54 FR 32820
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Dean DeBuck, Freedom of Information Officer, (202) 447-1800, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ronald Shimabukuro, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557–AA77

2255. LEASING OF PERSONAL PROPERTY

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.3400

Legal Deadline: None

Abstract: The proposed regulation will interpret new statutory lease financing authority provided to national banks by Section 108 of the Competitive Equality Banking Act of 1987, codified at 12 USC 24(10). The OCC is considering what prudential guidelines, if any, are needed, in order to ensure that national banks conduct this new activity safely. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ellen C. Starr, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA80

2256. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12.7

Legal Deadline: None

Abstract: This rulemaking would broaden an exemption from requirements that banks maintain certain records and establish certain written policies and procedures. Under the proposal, the current exemption for banks with an average of less than 200 securities transactions per year is expanded to 1,000 transactions per year. The purpose of broadening the exemption from 200 transactions per year to 1,000 transactions per year is to reduce the regulatory burden on small banks.

Timetable:

Action	Date	FR Cite
NPRM	08/09/89	54 FR 32653
NPRM Comment Period End	10/10/89	54 FR 32653
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1901**

RIN: 1557–AA84

2257. ● MESSENGER SERVICE

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.7490

Legal Deadline: None

Abstract: This rulemaking is intended to clarify how national banks may operate messenger services without engaging in branch bank activities. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard H. Blake, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1880**

RIN: 1557–AA85

2258. ● RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES; PAYMENT OF DIVIDENDS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5.61; 12 CFR 5.62; 12 CFR 7.6100; 12 CFR 7.6125

Legal Deadline: None

Abstract: This rulemaking will amend two interpretive rulings in 12 CFR 7 and promulgate them as regulations in 12 CFR 5. The amendments are needed to revise and clarify certain OCC interpretations of statutes that govern the payment of dividends by national banks (12 USC 56 and 60). The intended effect is to make the calculation of the restrictions on the payment of dividends by national banks consistent with generally accepted accounting principles (GAAP). The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33711
NPRM Comment Period End	10/16/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ronald Shimabukura, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1880**

RIN: 1557–AA86

2259. ● MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: The OCC is proposing to amend its capital regulation in 12 CFR 3. Primarily, this amendment would (1) make the definition of capital in 12 CFR 3.2 and in the OCC's recently published risk-based capital guidelines consistent and (2) change the minimum capital ratio in 12 CFR 3.6. This amendment will limit the amount of leverage a national bank can undertake. The intended effect of this amendment is to ensure the continued safety and soundness of the national banking system. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Jennifer C. Kelly, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164; or Mark Winer, Financial Economist, Economic and Policy Analysis Division, (202) 447-1924.

TREAS—OCC **Proposed Rule Stage**

490 L'Enfant Plaza East, SW., Washington, DC 20219.

Agency Contact: Robert J. Roth, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1880**

RIN: 1557–AA87

DEPARTMENT OF THE TREASURY (TREAS) — Final Rule Stage
Comptroller of the Currency (OCC)

2260. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: The OCC is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. The OCC proposes to provide clarification of the OCC's ability to impose conditions on transactions between a bank and its subsidiaries; to add 12 CFR 5.36 to require notification to the OCC of certain equity investments which national banks are authorized by statute to make; to outline the responsibility of the applicants for accurate and complete filings; to centralize the OCC's distribution of forms; and to make several miscellaneous technical amendments. These proposals are expected to benefit the OCC by assisting the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, and to improve OCC efficiency. The effect on small entities is considered in the development of each rulemaking. If adopted as final rules, the changes to Part 5 will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Equity Investments NPRM Public Comment Period End	01/27/89	54 FR 4038
	03/28/89	
Operating Subsidiaries NPRM Public Comment Period End	01/27/89	54 FR 4038
	03/28/89	
Applicants' Responsibility	00/00/00	
Change in Bank Control	00/00/00	
Forms Distribution	00/00/00	
Technical Amendments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheila Ogilvie, National Bank Examiner/Senior Licensing, Policy and Systems Analyst, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557–AA00

2261. LENDING LIMITS

Legal Authority: 12 USC 84(b)(1); 12 USC 84(d)(1); 12 USC 93a

CFR Citation: 12 CFR 32.2(d)

Legal Deadline: None

Abstract: This rulemaking will revise the definition of a "contractual commitment to advance funds" in response to comments received on the Temporary Rule on National Bank Lending Limits, at 53 FR 23752 (June 24, 1988). Comments were generally in favor of the temporary rule, but expressed concern about its impact on banks which had not experienced a decline in capital. This proposed revision will address those concerns through an amendment to the definition of a "contractual commitment to advance funds." This action will return to banks some flexibility in monitoring their lending limits and outstanding loan commitments. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30054
NPRM Comment Period End	09/18/89	54 FR 30054
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: William C. Kerr, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Deborah Katz, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA32

2262. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 781(h); 15 USC 781(i); 15 USC 78o-4(c); 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; PL 95-630; 12 USC 3102; 12 USC 3108(a)

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: The proposed regulation sets forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/26/89	54 FR 22759
NPRM Comment Period End	07/25/89	54 FR 22759
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Daniel Stipano, Acting Assistant Director, Enforcement and Compliance Division, (202) 447-1818, 490 L'Enfant Plaza East, SW., Washington, DC 20219

TREAS—OCC

Final Rule Stage

Agency Contact: Brenda Curry, Assistant Director, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1632

RIN: 1557–AA43

2263. RECEIVERSHIP AND CONSERVATORSHIP

Legal Authority: 12 USC 93a; 12 USC 191

CFR Citation: 12 CFR 5.49

Legal Deadline: None

Abstract: The proposed regulation will clarify the standards of insolvency the OCC may use in determining whether to appoint a receiver under 12 USC 191. Specifically, the rulemaking describes the net worth and liquidity tests. The rulemaking is intended to state OCC procedures clearly, to conform those procedures more closely to GAAP and to evaluate an insolvent bank's true financial condition. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/05/89	54 FR 28072
NPRM Comment Period End	09/05/89	54 FR 28072
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Kennard L. Page, National Bank Examiner, Special Supervision Division, (202) 447-1719, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ferne Fishman Rubin, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557–AA82

DEPARTMENT OF THE TREASURY (TREAS)

Comptroller of the Currency (OCC)

Completed Actions

2264. REPORTS OF CRIMES AND SUSPECTED CRIMES

Legal Authority: 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884

CFR Citation: 12 CFR 21

Legal Deadline: None

Abstract: This regulation revises the two criminal referral forms, raises the threshold for filing criminal referrals where no suspect has been identified, and clarifies the filing requirement as far as reporting financial crimes where no loss is incurred by the bank, such as money laundering, bank bribery, and Bank Secrecy Act violations. These revisions are intended to clarify the filing requirement for these reports and are intended to reduce the overall number of criminal referral reports to be filed by national banks. This regulation will not have a significant economic impact on a substantial number of small banks or other small entities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/11/88	53 FR 7881
Interim Final Rule Comment Period End	05/10/88	
Final Action	06/20/89	54 FR 25839
Final Action Effective	07/20/89	54 FR 25839

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Miller, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1818

RIN: 1557–AA74

[FR Doc. 89-21728 Filed 10-27-89; 8:45 am]

BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Public Law 96-354, the "Regulatory Flexibility Act," and Executive Order 12291 "Federal Regulations," Customs is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The projects listed below are not considered to be "major" regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301) and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional, specific statutory authority is indicated as the legal authority for the project.

Dated: August 29, 1989.

Harvey B. Fox,

Director, Office of Rulings and Regulations.

United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2265	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22
2266	19 CFR 134 Country of Origin Marking	1515-AA59
2267	19 CFR 111 Electronic Entry Filing	1515-AA79
2268	19 CFR 133 Enforcement of Protection of Semiconductor Chip Products; Patent Surveys	1515-AA81
2269	19 CFR 161 Informers Compensation	1515-AA82
2270	19 CFR 10 United States-Israel Free Trade	1515-AA84
2271	19 CFR 111 Broker Compliance	1515-AA85
2272	19 CFR 12 Definition of Switchblade Knives	1515-AA86
2273	19 CFR 142 Requirement of Name and Address of Manufacturer/Shipper To Be on Invoice at Time of Entry	1515-AA88
2274	19 CFR 12.80 Vehicle Safety, Bumper and Anti-Theft Compliance	1515-AA89

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2275	19 CFR 4 Customs User Fees	1515-AA50
2276	19 CFR 4 Harbor Maintenance Fee	1515-AA57
2277	19 CFR 4 Conforming Customs Regulations to Harmonized System of Tariff Classification	1515-AA61
2278	19 CFR 162 Highest Degree of Care and Diligence to Prevent Unmanifested Narcotics and Marijuana	1515-AA67
2279	19 CFR 122 Overflight Exemptions for Private Aircraft; Fingerprinting Requirements	1515-AA69
2280	19 CFR 24 Statement Processing and Automated Clearinghouse	1515-AA72
2281	19 CFR 12 Import Sanctions Against the Toshiba Machine Company and The Kongsberg Trading Company	1515-AA74
2282	19 CFR 10 United States-Canada Free Trade Agreement	1515-AA75
2283	19 CFR 132 Filling Absolute Quota	1515-AA76
2284	19 CFR 162 Seizure of Property for Possession of Controlled Substances	1515-AA77
2285	19 CFR 122 Air Carrier Smuggling Prevention Program	1515-AA78
2286	19 CFR 4 Electronic Release Notification	1515-AA80
2287	19 CFR 134.43 Country of Origin Marking of Native American-Style Arts and Crafts	1515-AA83
2288	19 CFR 24 Donated Cargo Exemption from Harbor Maintenance Fee	1515-AA87

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2289	19 CFR 128 Clearance of Cargo Carried by Express Consignment Operators or Carriers	1515-AA64
2290	19 CFR 192 Exportation of Used Self-Propelled Vehicles	1515-AA65

TREAS—CUSTOMS

United States Customs Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2291	19 CFR 134 Country of Origin Marking of Jewelry	1515-AA66
2292	19 CFR 141 Changing Maximum Amount for Informal Entries to $1250	1515-AA70
2293	19 CFR 177 Certain Administrative Procedures	1515-AA71

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Proposed Rule Stage

2265. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Legal Deadline: None

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Congressional Action PL 100-418	08/23/88	
NPRM	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 4414, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515–AA22

2266. COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the U.S., the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

Action	Date	FR Cite
NPRM in Treasury Review	02/22/88	
NPRM	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, Room 2212, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515–AA59

2267. ● ELECTRONIC ENTRY FILING

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1481; 19 USC 1484; 19 USC 1498; 19 USC 1624

CFR Citation: 19 CFR 111; 19 CFR 113; 19 CFR 143

Legal Deadline: None

Abstract: Amend Customs Regulations to provide that immediate delivery and entry summary information could be filed electronically with Customs through the Automated Broker Interface module of Customs Automated Commercial System.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Nolle, ACS Officer, Department of the Treasury, United States Customs Service, Room 2341, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-7907

RIN: 1515–AA79

2268. ● ENFORCEMENT OF PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS; PATENT SURVEYS

Legal Authority: 17 USC 901 to 914; 19 USC 66; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 133; 19 CFR 12; 19 CFR 24

Legal Deadline: None

Abstract: This document proposes to amend the Customs Regulations to enable persons seeking protection from infringing semiconductor chip products (mask works) to obtain the assistance of Customs in preventing pirated chips from being imported into the U.S. This would give rise to a process of Customs

recordation of mask works similar to that for copyrights.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Atwood, Director, Intellectual Property Rights Task Force, Department of the Treasury, United States Customs Service, Room 4117, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8933

RIN: 1515–AA81

2269. ● INFORMERS COMPENSATION

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 1646a

CFR Citation: 19 CFR 161

Legal Deadline: None

Abstract: Amends Customs Regulations relating to awards of compensation given to informants whose actions result in recoveries of any Customs duties withheld, or any fine penalty or forfeiture incurred for a violation of the Customs or navigation laws, by increasing the maximum award from $50,000 to $250,000.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2129, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AA82

2270. ● UNITED STATES-ISRAEL FREE TRADE

Legal Authority: 99 Stat 82; 19 USC 2112

CFR Citation: 19 CFR 10

Legal Deadline: None

Abstract: Amend Customs Regulations to include for public information the legal and existing administrative rules under which the United States-Israel Free Trade Area is presently being conducted. Under this program, products of Israel are entitled to free or reduced rates.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leo Wells, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-7090

RIN: 1515–AA84

2271. ● BROKER COMPLIANCE

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1641

CFR Citation: 19 CFR 111

Legal Deadline: None

Abstract: Amendment of Customs Regulations to permit more effective management of the broker community's legal requirements and to allow Customs to deal with operational problems dealing with brokers and to facilitate processing license applications and the review of penalty recommendations forwarded by District Directors.

Timetable:

Action	Date	FR Cite
NPRM	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Janiszewski, Chief, Broker Compliance and Evaluation Branch, Department of the Treasury, United States Customs Service, Room 1422, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8246

RIN: 1515–AA85

2272. ● DEFINITION OF SWITCHBLADE KNIVES

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1625; 15 USC 1241

CFR Citation: 19 CFR 12

Legal Deadline: None

Abstract: Amend Regulations to clarify scope of prohibited knives and also to include a new congressionally mandated type of knife within prohibition.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34186
NPRM Comment Period End	10/17/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2104, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5765

RIN: 1515–AA86

2273. ● REQUIREMENT OF NAME AND ADDRESS OF MANUFACTURER/SHIPPER TO BE ON INVOICE AT TIME OF ENTRY

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 142

Legal Deadline: None

Abstract: Amend Regulations to require the manufacturer or shipper name and address be placed on the invoice presented at the time of entry. This information is needed to enable Customs Automated Commercial System cargo processing module to operate as designed. Currently this data is not required to be supplied to Customs.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Pat Flynn, Inspector, Department of the Treasury, United States Customs Service, Room 3135, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5354

RIN: 1515–AA88

2274. ● VEHICLE SAFETY, BUMPER AND ANTI-THEFT COMPLIANCE

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1912; 15 USC 2022; 19 USC 1916

CFR Citation: 19 CFR 12.80

Legal Deadline: None

TREAS—CUSTOMS **Proposed Rule Stage**

Abstract: Amend Customs Regulations to update them with respect to new safety standard compliance requirements, bumper standard requirements, and anti-theft standard requirements of the National Highway Traffic Safety Adm., Department of Transportation. The main requirement is that imported vehicles be labeled to show compliance.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Paterson, Operations Officer, Department of the Treasury, United States Customs Service, Room 1311, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8651

RIN: 1515–AA89

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2275. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the U.S. as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
Final Rule Pending internal decision	05/01/88	
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-9425

RIN: 1515–AA50

2276. HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 623; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Final, Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.04 percent (.0004) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198
Interim Final Rule Public Comment Period End	08/28/87	
Comments being analyzed	02/08/88	
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia Barbare, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Ave., NW, Washington, DC 20229, 202 566-8301

RIN: 1515–AA57

2277. CONFORMING CUSTOMS REGULATIONS TO HARMONIZED SYSTEM OF TARIFF CLASSIFICATION

Significance: Agency Priority

Legal Authority: 5 USC 310; 19 USC 66; 19 USC 1624; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1557; 19 USC 1559; 19 USC 81a to 81u; 19 USC 1751; 19 USC 1401a; 19 USC 1500; 19 USC 1313; 5 USC 552; 31 USC 483a; ...

CFR Citation: 19 CFR 4; 19 CFR 7; 19 CFR 10; 19 CFR 11; 19 CFR 12; 19 CFR 18; 19 CFR 19; 19 CFR 24; 19 CFR 54; 19 CFR 101; 19 CFR 103; 19 CFR 111; 19 CFR 113; 19 CFR 114; 19 CFR 122; ...

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations by removing all references to the Tariff Schedule of the United States and inserting in their stead the appropriate Harmonized Tariff Schedule of the United States reference.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51244
Comment Period End	03/21/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hubbard L. Valenick, Attorney, Department of the Treasury, United States Customs Service, Room 2146, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8530

RIN: 1515–AA61

2278. HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

Significance: Agency Priority

Legal Authority: 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest

degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of lighting in storage areas, and similar measures.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4835
NPRM Comment Period End	04/03/89	
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2131, 1301 Constitution Ave., NW, Washington, DC 20229, 202 566-8317

RIN: 1515–AA67

2279. OVERFLIGHT EXEMPTIONS FOR PRIVATE AIRCRAFT; FINGERPRINTING REQUIREMENTS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to Customs Regulations to provide fingerprint requirement as part of the application process for all usual and anticipated pilots and crew members seeking overflight exemptions for flights that do not involve air ambulance operations or the non-emergency transport of persons seeking medical treatment in the U.S. Amendment will allow Customs to conduct more thorough background investigations on applicants and thus provide better control over air traffic arriving from the direction of countries that are major sources of illegal drugs.

Timetable:

Action	Date	FR Cite
NPRM	01/24/89	54 FR 3490
NPRM Comment Period End	03/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn Ross, Inspector, Department of the Treasury, United States Customs Service, Room 4413, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5607

RIN: 1515–AA69

2280. STATEMENT PROCESSING AND AUTOMATED CLEARINGHOUSE

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-662; 19 USC 197; 19 USC 198; 19 USC 1648

CFR Citation: 19 CFR 24; 19 CFR 132; 19 CFR 141; 19 CFR 142; 19 CFR 143

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to provide users of Customs Automated Broker Interface with the option of paying their entry/entry summaries and entry summaries by the statement processing method and to require ABI filers who use statement processing to pay their statements through the use of the Automated Clearinghouse electronic payment mechanism. Further, entries of quota class merchandise and other special classes of merchandise designated by Customs Headquarters would be permitted to be paid through statement processing.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10019
NPRM Comment Period End	05/08/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Childress, ACS Specialist, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2343, Washington, DC 20229, 202 566-0778

RIN: 1515–AA72

2281. IMPORT SANCTIONS AGAINST THE TOSHIBA MACHINE COMPANY AND THE KONGSBERG TRADING COMPANY

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (General Note 8, HTSUS); PL 100-418

CFR Citation: 19 CFR 12

Legal Deadline: None

Abstract: Legislatively mandated import sanctions imposed on Toshiba Machine Company and Kongsberg Trading Company products for a three-year period.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4780
Interim Final Rule Effective	01/31/89	
Comment Period End	04/03/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Interim Rule implements Executive Order 12661; issued December 28, 1988. Final Rule will be issued after analysis of comments.

Agency Contact: William Rosoff, Chief, Entry Rulings Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2301, Washington, DC 20229, 202 566-5856

RIN: 1515–AA74

2282. UNITED STATES-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1499; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 58; 19 USC 1498

CFR Citation: 19 CFR 10; 19 CFR 24; 19 CFR 148

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations to implement the duty preferences of the United States-Canada Free Trade Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51762
Comment Period End	02/21/89	
Comment Period Extended	03/23/89	54 FR 10322
Final Action	00/00/00	

Small Entities Affected: None

TREAS—CUSTOMS **Final Rule Stage**

Government Levels Affected: None

Agency Contact: John Valentine, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2307, Washington, DC 20229, 202 566-8181

RIN: 1515–AA75

2283. FILLING ABSOLUTE QUOTA

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 132

Legal Deadline: None

Abstract: Amend Customs Regulations to provide that importers may not transfer allotment from one port of entry to another for absolute quotas that fill at opening. Procedure will reduce labor required by Customs in processing absolute quota merchandise, expedite the release of merchandise and provide more timely statistical information.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7781
NPRM Comment Period End	04/24/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Cooper, Operations Officer, Department of the Treasury, United States Customs Service, Room 2379, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8592

RIN: 1515–AA76

2284. ● SEIZURE OF PROPERTY FOR POSSESSION OF CONTROLLED SUBSTANCES

Significance: Regulatory Program

Legal Authority: 19 USC 66; 19 USC 1624

CFR Citation: 19 CFR 162; 19 CFR 171

Legal Deadline: None

Abstract: Amend Customs Regulations to provide certain expedited procedures when property is seized due to violations involving the possession of personal use quantities of controlled substances.

Timetable:

Action	Date	FR Cite
NPRM	04/10/89	54 FR 14242
NPRM Comment Period End	05/10/89	
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriett D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2129, 1301 Constitution Avenue NW., Washington, DC 20229, 202 566-8317

RIN: 1515–AA77

2285. ● AIR CARRIER SMUGGLING PREVENTION PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 301; 19 USC 58b; 19 USC 66; 19 USC 1433; 19 USC 1436; 19 USC 1459; 19 USC 1590; 19 USC 1624; 19 USC 1644; 49 USC App 1509; 19 USC 1584 note

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amend Customs Regulations to establish an Air Carrier Smuggling prevention program. Congressionally mandated effort to increase carrier participation in anti-drug effort by providing incentives to program participants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Heffner, Inspector, Department of the Treasury, United States Customs Service, Room 4132, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-2140

RIN: 1515–AA78

2286. ● ELECTRONIC RELEASE NOTIFICATION

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Legal Deadline: None

Abstract: Amends Customs Regulations to provide that Customs may notify parties of the release of their cargo by posting in each Customs district at the start of each business day a computer-generated list of shipments which have been authorized for release from Customs custody.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30696
NPRM Comment Period End	10/14/88	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Knox, Inspector, Department of the Treasury, United States Customs Service, Room 4141, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8151

RIN: 1515–AA80

2287. ● COUNTRY OF ORIGIN MARKING OF NATIVE AMERICAN-STYLE ARTS AND CRAFTS

Legal Authority: PL 100-48, sec 1907(c)

CFR Citation: 19 CFR 134.43

Legal Deadline: None

Abstract: Amend regulations to require more permanent methods of marking for Native American-style arts and crafts.

Timetable:

Action	Date	FR Cite
NPRM	02/10/89	54 FR 6418
NPRM Comment Period End	04/10/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney-Advisor, Department of the Treasury, United States Customs Service, Room 2137, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5765

RIN: 1515–AA83

2288. ● DONATED CARGO EXEMPTION FROM HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 58a; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; 19 USC 58b; 19 USC 58c

CFR Citation: 19 CFR 24

Legal Deadline: None

TREAS—CUSTOMS **Final Rule Stage**

Abstract: Amends interim Customs Regulations relating to harbor maintenance fees. The interim regulations established a shipping fee for transporting cargo on specified US waterways. The Act was amended to include an exemption for nonprofit organizations or cooperatives which own or finance cargo determined by Customs to be intended for use in humanitarian or development assistance overseas. This amendment sets forth the applicability and terms of this exemption.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Barbare, Operations Officer, User Fee Task Force, Department of the Treasury, United States Customs Service, Room 4112, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-8684**

RIN: 1515–AA87

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2289. CLEARANCE OF CARGO CARRIED BY EXPRESS CONSIGNMENT OPERATORS OR CARRIERS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1498; 19 USC 1551; 19 USC 1555; 19 USC 1556; 19 USC 1565; 19 USC 1624

CFR Citation: 19 CFR 128

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to set forth revised special informal entry procedures applicable to the entry and clearance of cargo carried by the various entities which comprise the express consignment industry and to further refine and expand upon the existing procedures which recognize the special needs of the growing express consignment industry. The member countries of the Customs Cooperation Council have recently examined the industry and associated issues and have adopted international guidelines which established various definitions, including the term "Express Consignment Operators or Carriers." The overwhelming growth of this industry requires Customs to provide more expedited clearance procedures. The amendments will promote uniform, fair and consistent treatment of the various courier and express air services, while at the same time better assuring the protection of the revenue in accord with all applicable laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/16/87	52 FR 47729
NPRM Comment Period End	02/16/88	
In Treasury Review	03/09/89	
Final Action T.D. 89-53	05/08/89	54 FR 19561
Final Action Effective	06/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vincent Dantone, Operations Officer, Department of the Treasury, United States Customs Service, Room 4137, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5354**

RIN: 1515–AA64

2290. EXPORTATION OF USED SELF-PROPELLED VEHICLES

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 1627; 19 USC 1627a; 19 USC 1646a

CFR Citation: 19 CFR 192

Legal Deadline: None

Abstract: An amendment to the Customs Regulations to add a new part concerning the exportation of used self-propelled vehicles. It sets forth the requirements for lawful exportation of such vehicles as well as the penalties and liabilities for attempted unlawful exportation. These regulations are necessary to implement certain provisions of the Motor Theft Law Enforcement Act of 1984 and the Trade and Tariff Act of 1984 dealing with the unlawful exportation of used self-propelled vehicles.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8303
NPRM Comment Period End	05/18/87	
NPRM Second	08/18/88	53 FR 31367
NPRM Public Comment Period End	10/17/88	
Final Action T.D. 89-46	04/18/89	54 FR 15402
Final Action Effective	05/18/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After consideration of the comments received in response to the previous notice proposing this change certain modifications were made. Accordingly, the document has been modified and is being republished to allow all affected persons an opportunity to submit comments before any final decisions are made.

Agency Contact: Louis Razzino, Operations Officer, Department of the Treasury, United States Customs Service, Room 4144, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-2140**

RIN: 1515–AA65

2291. COUNTRY OF ORIGIN MARKING OF JEWELRY

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (Gen. Hdnt. 11); 19 USC 1304; 19 USC 1624; PL 100-418, Omnibus Trade and Competitiveness Act of 1988

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the country of origin marking of jewelry. More permanent methods of marking are proposed to avoid removal of country

of origin identifications from jewelry, particularly Native American style jewelry, after importation, but before sale to consumers often for the purpose of deceptively representing the merchandise as made in the U.S. The proposed rule will limit the permanent marking requirement to the smallest practicable portion of imported jewelry that will ensure that imported jewelry is permanently identified with the country of origin. For jewelry covered under the proposed rule, previous methods permitting country of origin marking for jewelry using adhesive labels or string tags would be permitted only where the size of the article does not permit more permanent marking methods. For other articles, the changes will require that jewelry be indelibly marked with the country of origin by cutting, die-sinking, engraving, stamping, or some other equally permanent methods, or with a similarly marked plastic or metal tag.

Timetable:

Action	Date	FR Cite
NPRM	02/10/89	54 FR 6418
NPRM Comment Period End	04/11/89	
Final Action	09/27/89	54 FR 39520
Final Action Effective	10/27/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A proposed interpretive rule was published on July 15, 1986 (51 FR 25574) soliciting comments on a proposal to require that all foreign-made Native American-style jewelry be indelibly marked with the country of origin by cutting, die-sinking, engraving or stamping. In response to the notice, 92 written comments were received. Thirty-five of the comments supported the proposal that all foreign-made Native American-style jewelry be permanently marked with the country of origin; 42 favored the permanent marking of all foreign-made silver jewelry; 11 commenters said that all foreign-made jewelry should be permanently marked; and one commenter favored permanent marking of all imported gold and silver jewelry. On August 23, 1988, Congress enacted PL 100-418, which, among other things, requires the indelible and permanent marking on all imported Native American-style jewelry. The final rule will implement this law, taking into consideration public comments on the revised proposal concerning ways in which the type of jewelry subject to permanent marking might be reduced while accomplishing the statutory objective.

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Ave., NW, Room 2104, Washington, DC 20229, **202 566-5765**

RIN: 1515–AA66

2292. CHANGING MAXIMUM AMOUNT FOR INFORMAL ENTRIES TO $1250

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624; 19 USC 1481; 19 USC 1498; 19 USC 1315

CFR Citation: 19 CFR 141; 19 CFR 143; 19 CFR 145

Legal Deadline: None

Abstract: Amendment to Customs Regulations to raise the limit for informal entry to the statutory maximum of $1250.

Timetable:

Action	Date	FR Cite
NPRM	01/24/89	54 FR 3492
NPRM Comment Period End	03/27/89	
T.D. in Treasury review	07/25/89	
Final Action T.D. 89-82	08/31/89	54 FR 36025
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Rosoff, Chief, Entry Rulings Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2301, Washington, DC 20229, **202 566-5856**

RIN: 1515–AA70

2293. CERTAIN ADMINISTRATIVE PROCEDURES

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1624; PL 96-39; PL 100-690

CFR Citation: 19 CFR 177

Legal Deadline: Final, Statutory, April 1, 1989.

Abstract: Amendments to the Customs Regulations relating to: promoting uniformity in decisions made by Customs officers; creating district ruling program; circumstances under which the effective date of a Customs ruling can be delayed; the obligations of a recipient of a tariff classification ruling; and the elimination of the "clearly wrong" test as the standard by which Customs determines whether certain established and uniform practices should be changed.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8208
NPRM Comment Period End	03/29/89	
Final Action T.D. 89-74	07/31/89	54 FR 31511
Final Action Effective	08/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Roth, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2211, Washington, DC 20229, **202 566-5868**

RIN: 1515–AA71

[FR Doc. 89-21729 Filed 10-27-89; 8:45 am]

BILLING CODE 4820-02-T

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from October 1, 1989, through September 30, 1990. Determinations with respect to the agenda were made as of July 31, 1989. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert Boyer, (202) 566-3935 (not a toll-free number), Regulations Unit, Office of the Assistant Chief Counsel (Corporate), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Attention: CC:CORP:T:R.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register.** The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in April of 1990.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (IRS) as of July 31, 1989, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Offices of the Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Financial Institutions and Products), Assistant Chief Counsel (Income Tax and Accounting), Assistant Chief Counsel (Passthroughs & Special Industries), Assistant Chief Counsel (Disclosure Litigation), Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Assistant Chief Counsel (General Litigation), and Associate Chief Counsel (International). The following information is provided for each regulation project: the title; priority status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under Additional Information, there is provided the control number of the project within the Chief Counsel's office and the names and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Fred T. Goldberg,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2294	26 USC 0130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2295	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2296	26 USC 0367 (e) Regulations under Section 367 (e)	1545-AL34
2297	26 USC 0367 (e) Regulations under Section 367 (e)	1545-AL35
2298	26 USC 0446 Blocked Income	1545-AL85
2299	26 USC 0482 Section 482 Regulations	1545-AL80
2300	26 USC 0482 Section 482 Cost Sharing Regulations	1545-AM00
2301	26 USC 0834 Interest Deduction under Section 834(c)(5)	1545-AL07
2302	26 USC 0847 Special Estimated Tax Payments	1545-AN33
2303	26 USC 0861 Income Tax - Interest and Dividends of 80-20 Companies	1545-AJ58
2304	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL25
2305	26 USC 0882 Computation of Interest Expense Deduction	1545-AL84
2306	26 USC 0897 (c) (3) FIRPTA Cleanup	1545-AJ72
2307	26 USC 0932 Source Rules within the Virgin Islands	1545-AL40
2308	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71
2309	26 USC 0987 Computation of a Branch's Taxable Income Taxation of Exchange Gain or Loss on Branch Remittances	1545-AM12
2310	26 USC 1248 Section 1248 Sales and Earnings and Profits	1545-AM42
2311	26 USC 1502 Income Tax--Deletion of the Requirement of Section 1.1502-47 (d) (12) (v) (C) That, in Applying Tacking Rule, Profitable and Loss Life Activities Not Be Separated	1545-AI98
2312	26 USC 6331 Levy and Distraint	1545-AM70
2313	26 USC 6332 Surrender of Property Subject to Levy	1545-AN45
2314	26 USC 6334 Property Exempt From Levy	1545-AN46
2315	26 USC 6335 Sale of Seized Property	1545-AN47
2316	26 USC 6343 Authority To Release Levy and Return Property	1545-AN48
2317	26 USC 6502 Collection After Assessment	1545-AM71
2318	26 USC 6655(j) Determining Large Corporation Status for Consolidated Return Groups Paying Estimated Tax	1545-AM75
2319	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99

TREAS—IRS

Internal Revenue Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2320	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2321	26 USC 0001 Income Tax--Deduction for Bus Operating Authorities and Freight	1545-AJ18
2322	26 USC 0040 Alcohol Credit for ETBE	1545-AN73
2323	26 USC 0055 Income Tax--Alternative Minimum Tax	1545-AE80
2324	26 USC 0055 Minimum Tax Credit and other miscellaneous rules relating to the Alternative Minimum Tax	1545-AJ86
2325	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL02
2326	26 USC 0057 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2327	26 USC 0061 Taxation, Valuation, and Reporting of "Frequent Flyer" or Similar Bonus Payments	1545-AK02
2328	26 USC 0061 Amendment to the regulations under section 61 to conform the treatment of Bond Premium Income to the constant yield method	1545-AL92
2329	26 USC 0072 Loans Treated as Distributions	1545-AE41
2330	26 USC 0072 Ten Percent Additional Tax on Early Distribution From Qualified Plans	1545-AN16
2331	26 USC 0079 Removing Gender Distinction From Mortality Tables	1545-AK50
2332	26 USC 0079 Extension of Section 79 Uniform Premium Table	1545-AN51
2333	26 USC 0079 Section 79 Table I Update	1545-AN54
2334	26 USC 0083 Study of Application of Section 302 and Section 1.83(d)	1545-AN55
2335	26 USC 0103 To Provide Regulations Under Section 147 (b)--Relating to Limitation on Maturity of Private Activity Bonds	1545-AE69
2336	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2337	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2338	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2339	26 USC 0108 Income Tax--Discharge of Indebtedness	1545-AA67
2340	26 USC 0111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2341	26 USC 0117 (d) Qualified Tuition Reductions	1545-AI13
2342	26 USC 0119 (d) Income Tax--Tax Treatment of Faculty Housing	1545-AJ21
2343	26 USC 0129 Dependent Care Assistance	1545-AN17
2344	26 USC 0135 Exclusion From Gross Income for Income From U.S. Savings Bonds Used To Pay Tuition and Fees	1545-AN18
2345	26 USC 0141 Definition of "Private Activity Bond", "Qualified Bond"	1545-AM01
2346	26 USC 0142 Tax-exempt Bonds for Residential Rental Prcjects	1545-AJ66
2347	26 USC 0145 Qualified 501 (c) (3) Bonds	1545-AJ39
2348	26 USC 0146 State Volume Cap for Tax-exempt Bonds	1545-AJ37
2349	26 USC 0148 General Revision of Arbitrage Regulations	1545-AL90
2350	26 USC 0149 Advance Refundings	1545-AL91
2351	26 USC 0162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2352	26 USC 0162 Deductions with respect to noncash Fringe Benefits	1545-AM40
2353	26 USC 0162 (g) Definition of Related Violation	1545-AK83
2354	26 USC 0163 Qualified Residence Interest	1545-AL67
2355	26 USC 0163 Prohibition on Foreign Targeting Obligations Backed by United States Government Securities	1545-AM19
2356	26 USC 0168 Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2357	26 USC 0168 Modification of ACRS	1545-AJ38
2358	26 USC 0170 Income Tax -- to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2359	26 USC 0179 Election to Expense Certain Depreciable Assets	1545-AL74
2360	26 USC 0195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2361	26 USC 0245 Deduction for Dividends Received from Certain Foreign Corporations	1545-AL94
2362	26 USC 0246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2363	26 USC 0263A Capitalization of Certain Pension, etc. Costs	1545-AI92
2364	26 USC 0263A (f) Notice of Proposed Rulemaking -- Capitalization of Interest Expense	1545-AK01
2365	26 USC 0269B Rules for Treatment of Foreign Corporation Whose Stock Is Stapled to the Stock of a Domestic Corporation	1545-AN20
2366	26 USC 0274 Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2367	26 USC 0302 Certain attribution rules and certain Corporate Reorganizations	1545-AF13

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2368	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK29
2369	26 USC 0336 Cross-reference--Recognition of gain or loss on liquidating sales and distributions of property (TRA 1986; sections 631 to 633)	1545-AK90
2370	26 USC 0337 Application of General Utilities Repeal Regulatory Authority to RICs and REITs	1545-AL65
2371	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AK25
2372	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition under Section 338 (h) (10)	1545-AK31
2373	26 USC 0358 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2374	26 USC 0367 Section 361 Outbound Transfers of Property to Foreign Corporations	1545-AM97
2375	26 USC 0367 (b) Certain exchanges described in more than one Code section	1545-AN58
2376	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980	1545-AK33
2377	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AI99
2378	26 USC 0382 Computation of Section 382 Limitation	1545-AK27
2379	26 USC 0382 Amendment of sec. 1.382-2T(h)(4)(x) to grant the IRS authority to designate in the Internal Revenue Bulletin additional options to be excepted from attribution rules of sec. 1.382-2T(h)(4)(i)	1545-AN76
2380	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK26
2381	26 USC 0384 Limitation on Use of Preacquisition Losses to Offset Built-in Gains	1545-AM48
2382	26 USC 0401 (a) (4) Nondiscrimination Requirements for Qualified Plans	1545-AM95
2383	26 USC 0403 Nondiscrimination and other Rules Applicable to Section 403(b) Annuities	1545-AI90
2384	26 USC 0404 Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
2385	26 USC 0409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2386	26 USC 0409 Inc. Tax -- Part 1; Estate Tax -- Part 20, Employee Stock Ownership Plan Rules Affected by TRA 1986	1545-AI87
2387	26 USC 0410 (b) Special Rules in Merger and Acquisition	1545-AM94
2388	26 USC 0412 Revising the Drafting of the Full Funding Limitation for Purposes of the Minimum Funding Requirement for Pension Plans	1545-AL53
2389	26 USC 0414 (r) Definition of Line of Business	1545-AL23
2390	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2391	26 USC 0422A Incentive Stock Options	1545-AN26
2392	26 USC 0442 Inc. Tax--Part 1--Amendment of section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2393	26 USC 0446 Timing, Character and Source of Income With Respect to Notional Principal Contracts	1545-AN15
2394	26 USC 0453 Income Tax -- Gain or Loss on the Disposition of an Installment Obligation	1545-AB41
2395	26 USC 0453 Income Tax--Installment Sales Between Related Parties	1545-AB45
2396	26 USC 0453 Income Tax--Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2397	26 USC 0453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2398	26 USC 0457 Income Tax -- Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2399	26 USC 0460 Accounting for Long-term Contracts	1545-AJ28
2400	26 USC 0461 (h) Income Tax Regulations--The Economic Performance Requirement	1545-AH32
2401	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2402	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2403	26 USC 0465 Application of At-risk Limitations to the Holding of Real Property	1545-AK08
2404	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2405	26 USC 0468A Disposition of an Interest in a Nuclear Power Plant	1545-AN06
2406	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK64
2407	26 USC 0514 Income Tax--Unrelated Trade or Business Income	1545-AE00
2408	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2409	26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection with Taxable Asset Acquisitions of Troubled Financial Institutions	1545-AN71
2410	26 USC 0612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2411	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06
2412	26 USC 0643 Clarification of Section 1.643 (a) (3) Relating to the Inclusion of Capital Gain in Distributable Net Income	1545-AI31
2413	26 USC 0667 Accumulation Trusts	1545-AM78
2414	26 USC 0671 Revision of Reporting Requirements for Grantor Trusts	1545-AN77
2415	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2416	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2417	26 USC 0706 Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2418	26 USC 0707 Income Tax--Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2419	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2420	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2421	26 USC 0752 Amendments to Proposed Regulations under sections 752 and 704(b) Issued 12/29/88	1545-AN30
2422	26 USC 0832 Treatment of Salvage Recoverable under Section 832	1545-AN68
2423	26 USC 0842 Taxation of Foreign Insurance Companies Doing Business in the United States Including the Explication of the Minimum Net Investment Income Calculation	1545-AN31
2424	26 USC 0842 The Definition of Modified Endowment Contract and the Proper Treatment of Loans and Other Distributions From Such Contracts	1545-AN49
2425	26 USC 0842 (b) Foreign Insurance Companies	1545-AL82
2426	26 USC 0846 Income Tax Regulations--Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AJ51
2427	26 USC 0852 (b) Treatment of Certain Losses Attributable to Periods After October 31 of a Taxable Year of a Regulated Investment Company	1545-AM55
2428	26 USC 0860A Income Tax--Essential Issues Relating to Real Estate Mortgage Investment Conduits	1545-AJ35
2429	26 USC 0860F Real Estate Mortgage Investment Conduits (REMICs); Reporting Requirements	1545-AN52
2430	26 USC 0863 Transportation Income Source Rules	1545-AJ68
2431	26 USC 0863 Proposed Income Tax Regulations under the Tax Reform Act of 1986 -- Source of Income Rules for Income Derived from Space and Ocean Activities Including Telecommunications	1545-AJ84
2432	26 USC 0863 Source of Gross Income Attributable to Certain Financial Products	1545-AN35
2433	26 USC 0864 (c) (6) Treatment of Deferred Payments and Appreciation Arising Out of Business Conducted Within the US	1545-AM53
2434	26 USC 0865 Source Rules for Personal Property Sales	1545-AJ83
2435	26 USC 0871 Employment Taxes--Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM30
2436	26 USC 0872 (b) Income Tax - Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2437	26 USC 0897 Income Tax -- Partnership Rules Regarding Taxation of Foreign Investment in United States Real Property Interests	1545-AL77
2438	26 USC 0902 Deemed Paid Credit under Sections 902 and 960 Determined on Accumulated Basis	1545-AL98
2439	26 USC 0904 (c) Carryback and Carryforward of Foreign Tax Credits	1545-AM18
2440	26 USC 0904 (d) Separate application of section 904 with respect to certain categories of income	1545-AM54
2441	26 USC 0904 (f) Clarification of Treatment of Separate Limitation Losses	1545-AM11
2442	26 USC 0905 Suspension of Requirement to File a Receipt for Foreign Taxes Paid on a Return for Foreign Taxes Accrued	1545-AM43
2443	26 USC 0931 Exclusion of Possession Source Income from Gross Income of Certain Individuals and Treatment of Corporations Organized in Guam, Samoa or CNMI	1545-AJ80
2444	26 USC 0932 Coordination of U.S. and Virgin Islands Taxes	1545-AJ55
2445	26 USC 0932 (b) Regulations under section 932(b)	1545-AM89
2446	26 USC 0936 (d) (4) CBI Investments of section 936 funds	1545-AM91
2447	26 USC 0936 (h) Amendment of Section 936(h) with Respect to Election of Product	1545-AK77
2448	26 USC 0953 (c) Insurance Income	1545-AJ70
2449	26 USC 0955 Subpart F Shipping Amendments	1545-AM46
2450	26 USC 0986 Tax Accounting elections in computing earnings and profits of foreign corporations	1545-AM90
2451	26 USC 0986 Exchange Gain or Loss on Distribution of Previously Taxed Income	1545-AN37
2452	26 USC 0988 Section 988(d) - Integrated Hedging Rules for Foreign Exchange Gain or Loss	1545-AL15
2453	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AN28
2454	26 USC 0989 Change in Functional Currency and Definition of Weighted Averaged Exchange Rate	1545-AN53
2455	26 USC 0993 DISC Regulations	1545-AM05
2456	26 USC 1031 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
2457	26 USC 1031 Determination of Like-Kind Property in Business-for-Business Exchanges; Multiple Asset Exchanges; and Single Asset Exchanges of Personal Property	1545-AN38
2458	26 USC 1058 Sourcing of Pass-Through Payments and Fees Paid in International Short Sales of Stock	1545-AN34
2459	26 USC 1059 Income Tax--Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2460	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
2461	26 USC 1248 Income Tax--Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2462	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL88
2463	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2464	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil, Gas, Geothermal or Other Mineral Properties by S Corporations and their Shareholders	1545-AM98

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2465	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2466	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2467	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2468	26 USC 1286 Income Tax-Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2469	26 USC 1291 Treatment of Shareholders of Passive Foreign Investment Companies	1545-AC06
2470	26 USC 1295 QEF Shareholder Election	1545-AM41
2471	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2472	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2473	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2474	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
2475	26 USC 1374 Cross-reference--Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK93
2476	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2477	26 USC 1441 Revised Withholding Tax Regulation to Modify "As soon as Practical" Requirements	1545-AL19
2478	26 USC 1441 Withholding of Tax on Non-Resident Aliens	1545-AN75
2479	26 USC 1446 Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL30
2480	26 USC 1491 Revision of Regulations Under Sections 1491, 1492, and 1494	1545-AN39
2481	26 USC 1492 Nontaxable Transfers under Section 1491	1545-AL96
2482	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AC47
2483	26 USC 1502 Income Tax--Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2484	26 USC 1502 Cross-Reference--Consolidated return investment adjustments with respect to an acquired subsidiary's built-in gains or losses	1545-AK94
2485	26 USC 1502 Consolidated Returns	1545-AL44
2486	26 USC 1502 Revision of Section 1.1502-33	1545-AL60
2487	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Organizations Whose Tax Exempt Status was Repealed by the 1986 Act	1545-AM49
2488	26 USC 1502 Payment of Refunds to Certain Fiduciaries of Insolvent Members of Affiliated Groups	1545-AM74
2489	26 USC 1503 (d) Dual Resident Companies-Limitation on Consolidated Losses	1545-AM16
2490	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2491	26 USC 1504 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
2492	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2493	26 USC 2032 Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
2494	26 USC 2036 Estate Tax - Inclusion of Estate Freezes	1545-AM59
2495	26 USC 2056 Alien Spouse Marital Deduction	1545-AM85
2496	26 USC 2663 Estate Tax-Generation-Skipping Transfer Tax	1545-AL75
2497	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2498	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2499	26 USC 3405 Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2500	26 USC 3405 (d) (13) Withholding on Certain Deferred Payments Outside the United States	1545-AL31
2501	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2502	26 USC 4081 Excise Tax--Collection of Excise Tax Imposed on the Sale or Removal of Gasoline	1545-AJ09
2503	26 USC 4081 Modification of the Gasahol Regulations to Increase the Tolerance Allowed to the 10 Percent Alcohol Mixture and to Clarify the Later Blending Rules	1545-AM86
2504	26 USC 4091 Excise Tax on Diesel Fuel	1545-AL43
2505	26 USC 4101 Gasoline Excise Tax Bond Requirements	1545-AM32
2506	26 USC 4181 Revision of Section 48.4181-1(a)(2) of the Manufacturers and Retailers Excise Tax Regulations relating to the tax on firearm parts and accessories	1545-AL72
2507	26 USC 4611 Income Tax, Excise Tax, and Environmental Tax--Imposition of Taxes on Petroleum, Certain Chemicals, and Corporations and Additional Excise Taxes on Certain Fuels	1545-AJ23
2508	26 USC 4671 Tax on Certain Imported Substances	1545-AL73
2509	26 USC 4940 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
2510	26 USC 4980 Excise Tax -- Part 54, Reversion of Qualified Plan Assets to Employer	1545-AI82
2511	26 USC 6011 Electronic Filing of Tax Returns	1545-AL01
2512	26 USC 6033 Amendment of Section 1.6033-2 (g) (5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
2513	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AJ56
2514	26 USC 6039D Procedure on Certain Fringe Benefits Plans	1545-AI22

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2515	26 USC 6039E Information Regarding Resident Status	1545-AJ93
2516	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AM38
2517	26 USC 6046A Income Tax Regulations relating to Returns as to Interests in Foreign Partnerships	1545-AK75
2518	26 USC 6047 Reporting of Plan Distributions	1545-AL54
2519	26 usc 6049 Income Tax--To Require Issuers of Certificates of Deposit to Furnish Issue Price to Brokers	1545-AK36
2520	26 USC 6050I Amend Aggregation Rules for Filing Requirement	1545-AN42
2521	26 USC 6051 IRC Section 6051	1545-AN57
2522	26 USC 6114 Treasury-Based Return Positions; Failure To Disclose Treaty-Based Return Position	1545-AM87
2523	26 USC 6159 Agreements for Payment for Tax Liability in Installments	1545-AM66
2524	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2525	26 USC 6244 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2526	26 USC 6302 Railroad Unemployment Repayment Tax	1545-AN40
2527	26 USC 6311 Procedure and Administration Regulations--Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2528	26 USC 6323 Notice of Lien on Personal Property	1545-AM64
2529	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2530	26 USC 6332 Effect of Honoring a Levy	1545-AM72
2531	26 USC 6337 Requirement for Guaranteed Remittance to Redeem Property	1545-AN44
2532	26 USC 6416 Gasoline Excise Tax Definitions, Notification of Registration Requirements, and Section 6416 Procedures	1545-AL69
2533	26 USC 6621 Differential interest rates and expanded crediting of overpayments against underpayments	1545-AK06
2534	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2535	26 USC 6695 Use of Facsimile Signatures by Income Tax Return Preparers of Forms 1041, U.S. Fiduciary Income Tax Returns	1545-AL49
2536	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2537	26 USC 7425 Forfeiture of Land Sales Contract With Respect to Discharge of Federal Tax Lien	1545-AK24
2538	26 USC 7425 Redemptions of Real Property Under IRC 7425 - Excess Expenses	1545-AL20
2539	26 USC 7429 Review of Jeopardy Levy and Assessment Procedures	1545-AM68
2540	26 USC 7432 Civil Damages for Failure to Release Lien	1545-AM63
2541	26 USC 7433 Civil Causes of Action for Damages Sustained Due to Certain Unauthorized Actions by I.R.S.	1545-AM65
2542	26 USC 7520 Estate and Gift Tax Valuation Tables	1545-AM81
2543	26 USC 7605 Procedures Involving Taxpayer Interviews (Time and Place of Examination)	1545-AM69
2544	26 USC 7609 Procedure and Administration - Suspension of Statutes of Limitations in Absence of Third-Party Recordkeeper Response to Summons	1545-AK72
2545	26 USC 7609 Extension of Statute of Limitations in John Doe Summons Disputes	1545-AM67
2546	26 USC 7654 Cover Over of Income Taxes	1545-AL18
2547	26 USC 7702 Definition of Life Insurance Contract	1545-AL08
2548	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations	1545-AL57
2549	26 USC 7805 The Time and Manner of Making Certain Elections under the Technical and Miscellaneous Revenue Act of 1988	1545-AN03
2550	26 USC 7805 50 % Excise Tax on any gain realized by person who receives "Greenmail"	1545-AN41
2551	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

Internal Revenue Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2552	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2553	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI39
2554	26 USC 0040 Alcohol Credit for ETBE	1545-AN72
2555	26 USC 0042 Low-income Housing Credit Allocation Rules and Information Reporting Requirements	1545-AJ65
2556	26 USC 0042 Clarification of Determination of Bad Debt Experience under Nonaccrual-experience Method of Accounting	1545-AK92
2557	26 USC 0042 Low-Income Housing Credit for Federally-Assisted Buildings acquired during 10-year period	1545-AL05
2558	26 USC 0042 Low Income Housing Credit Recapture Rule	1545-A[illegible]12
2559	26 USC 0047 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2560	26 USC 0048 Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
2561	26 USC 0056 Book Income adjustment	1545-AK23
2562	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL03
2563	26 USC 0056 (g) Adjusted Current Earnings	1545-AN24
2564	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK20
2565	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
2566	26 USC 0071 Treatment of Transfer of Property between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
2567	26 USC 0079 Extension of Section 79 Uniform Premium Table	1545-AM96
2568	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
2569	26 USC 0101 (d) Income Tax Regulations--Mortality Tables to be Used to Determine Amount Held by Insurer with respect to a Beneficiary	1545-AK14
2570	26 USC 0103 Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2571	26 USC 0103 Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2572	26 USC 0103 Income Tax--Mortgage Subsidy Bonds	1545-AA63
2573	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
2574	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2575	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2576	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2577	26 USC 0103 (c) Clarification regarding the conclusiveness of the certification under section 1.103-13(a)(2) of the Income Tax Regulations	1545-AN08
2578	26 USC 0116 Partial Exclusion of Dividends and Interest Received by Individuals	1545-AM73
2579	26 USC 0117 Exclusion of Qualified Scholarships and Fellowships from Gross Income	1545-AJ87
2580	26 USC 0125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2581	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2582	26 USC 0131 Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2583	26 USC 0144 Income tax--Student Loan Bonds	1545-AJ42
2584	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds	1545-AJ67
2585	26 USC 0148 (a) Subsequent Intentional Acts to Earn Arbitrage and the Reasonable Expectations Test for Arbitrage Bonds	1545-AN69
2586	26 USC 0149 Information Reporting for Tax-exempt Bonds	1545-AJ63
2587	26 USC 0162 (k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
2588	26 USC 0163 Income Tax Regulations--Limitations on Deductions for Nonbusiness Interest	1545-AK17
2589	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM22
2590	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM23
2591	26 USC 0165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2592	26 USC 0167 Normalization Requirements for Public Utility Property: Inconsistent Procedures and Adjustments	1545-AM60
2593	26 USC 0168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2594	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2595	26 USC 0170 Deductions in Excess of $5000 Claimed by a Subchapter C Corporation for Charitable Contributions of Certain Property	1545-AL09
2596	26 USC 0174 Definition of Research and Experimental Expenditures under Section 174 of the Code	1545-AM92
2597	26 USC 0216 Provisions Relating to Cooperative Housing Corporations	1545-AJ96
2598	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2599	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2600	26 USC 0263A Capitalization and Inclusion in Inventory Costs of Certain Expenses	1545-AK05
2601	26 USC 0263A (f) Temporary Regulation--Capitalization of Interest Expense Relating to Production of Property	1545-AK03
2602	26 USC 0267 Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AN19
2603	26 USC 0269 Income Tax--Personal Service Corporations	1545-AF11
2604	26 USC 0274 Employee Achievement Awards	1545-AN56
2605	26 USC 0274 (d) Income Tax--Substantiation Requirements with Respect to Listed Property and Substantiation Requirements Relating to the Taxation of Fringe Benefits	1545-AJ40
2606	26 USC 0280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2607	26 USC 0280F Limitation of Deductions on Passenger Automobiles and Other Listed Property	1545-AN05
2608	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2609	26 USC 0304 Affiliated Groups	1545-AL41
2610	26 USC 0336 Income Tax--Part 1 Temporary Regulations-Recognition of Gain or Loss Liquidating Sales and Distributions of Property (TRA 1986, sections 631 to 633)	1545-AJ01
2611	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK30

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2612	26 USC 0337 Application of General Utilities Repeal Regulatory Authority to Certain Distributions under Section 355	1545-AM34
2613	26 USC 0337(d) Scope of General Utilities Repeal	1545-AN21
2614	26 USC 0338 Deemed purchase price when certain stock purchases are treated as asset acquisitions	1545-AF29
2615	26 USC 0338 Income Tax-Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38
2616	26 USC 0338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2617	26 USC 0338 Questions and Answers Relating to Miscellaneous Matters under section 338	1545-AH88
2618	26 USC 0338 Statements of Election and Due Dates	1545-AI53
2619	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AJ07
2620	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition under Section 338 (h) (10)	1545-AK32
2621	26 USC 0338 Application of Installment Method to Deemed Sale of Assets	1545-AM64
2622	26 USC 0367 Amendment of the Income Tax Regulations under Section 367 of the Code (transfers to foreign corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AK74
2623	26 USC 0367 (b) Income Tax--Part 1--Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
2624	26 USC 0367 (b) Foreign Liquidations and Reorganizations (NPRM)	1545-AJ78
2625	26 USC 0367 (b) Certain exchanges described in more than one Code Provision (Temp Reg)	1545-AN59
2626	26 USC 0368 Income Tax--Exchange Funds	1545-AB31
2627	26 USC 0382 Income Tax--Ownership Change	1545-AJ00
2628	26 USC 0382 Computation of Section 382 Limitation	1545-AK87
2629	26 USC 0382 Section 382 Limitation on Groups Filing Consolidated Returns	1545-AL36
2630	26 USC 0382 Allocation of a Loss Corporation's Income or Loss for the Taxable Year that Includes the Change Date Between the Periods Ending With and After the Change Date	1545-AL58
2631	26 USC 0382 Amendment of sec. 1.382-2T(h)(4)(X) to grant the IRS authority to designate in the Internal Revenue Bulletin additional options to be excepted from attribution rules of sec. 1.382-2T(h)(4)(i)	1545-AN22
2632	26 USC 0382 Corporate Contractions under Section 382	1545-AN60
2633	26 USC 0382(k)(7) Foreign Corporate First Tier Entities	1545-AN61
2634	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK28
2635	26 USC 0401 Income Tax--Refund of Mistaken Contributions	1545-AD68
2636	26 USC 0401 Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2637	26 USC 0401 (a) (26) Income Tax - - Part 1--Additional Participation Requirements	1545-AK46
2638	26 USC 0401 (k) Cash or Deferred Arrangements (Tax Reform Act of 1986)	1545-AI79
2639	26 USC 0401 (l) Income Tax -- Part 1-- Application of Nondiscrimination Rules to Integrated Plans	1545-AI86
2640	26 USC 0401 (m) Nondiscrimination Requirements for Employer Matching Contributions and Employee Contributions	1545-AI80
2641	26 USC 0404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2642	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2643	26 USC 0410 (b) Coverage Rules	1545-AK41
2644	26 USC 0411 Inc. Tax -- Part 1 -- Benefit Accrual Beyond Normal Retirement Age	1545-AI85
2645	26 USC 0411 Income Tax - Part 1 - Minimum Vesting Standards	1545-AI88
2646	26 USC 0414 Income Tax--Employees of an Affiliated Service Group	1545-AD90
2647	26 USC 0414 Income Tax Regulations--Affiliated Service Groups and Employee Leasing	1545-AE91
2648	26 USC 0414 Definition of "Highly Compensated Employee" and "Compensation"	1545-AI91
2649	26 USC 0441 Taxable Years of Certain Entities	1545-AK63
2650	26 USC 0444 Election of Taxable Year Other Than Required Year By Partnerships, S Corporations and Personal Service Corporations	1545-AL68
2651	26 USC 0448 Limitation of the Use of the Cash Method of Accounting	1545-AJ52
2652	26 USC 0448 Nonaccrual-experience Method of Accounting-- Clarification of Amounts Determined to be Uncollectible	1545-AM33
2653	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2654	26 USC 0453 Income Tax--General Rules for Installment Sales	1545-AB42
2655	26 USC 0453 Income Tax--Installment Reporting - asset sales and liquidation	1545-AB43
2656	26 USC 0453 Income Tax--Installment Obligations Received in Transactions in which Gain or Loss is Generally Not Recognized	1545-AB44
2657	26 USC 0453 Income Tax--Installment Method Reporting by Dealers in Personal Property	1545-AB47
2658	26 USC 0453 Transitional Rule Relating to Certain Installment Sales by Manufacturers to Dealers	1545-AL55
2659	26 USC 0453A Income Tax Regulations--Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2660	26 USC 0453A Special Rules for Nondealers	1545-AN13
2661	26 USC 0453C Certain Indebtedness Treated as Payments on Installment Obligations	1545-AM37

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2662	26 USC 0458 Income Tax--Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2663	26 USC 0461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
2664	26 USC 0464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2665	26 USC 0465 Income Tax--Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
2666	26 USC 0465 Aggregation of Certain Activities for purposes of the at-risk rules	1545-AI41
2667	26 USC 0469 Limitations on Passive Activity Losses and Credits	1545-AB26
2668	26 USC 0469 Limitations on Passive Activity Losses and Credits - Miscellaneous Issues	1545-AM58
2669	26 USC 0469 Allocation of Interest Expense Among Expenditures	1545-AM83
2670	26 USC 0469 Application of Passive Activity Loss and Credit Limitations to Trusts, Estates, and Their Beneficiaries	1545-AN62
2671	26 USC 0469 (f) Limitations on Passive Activity Losses and Credits--Former Passive Activities	1545-AN66
2672	26 USC 0469 (i) Limitations on Passive Activity Losses and Credits - $25,000 Offset for Rental Real Estate Activities	1545-AN65
2673	26 USC 0469 (k) Application of Passive Activity Loss and Credit Limitations to Interests in Publicly Traded Partnerships	1545-AN63
2674	26 USC 0469 (l) Limitations on Passive Activity Losses and Credits - Definition of Activity	1545-AM88
2675	26 USC 0469 (l) Limitations on Passive Activity Losses and Credits-Self Charged Items	1545-AN64
2676	26 USC 0469 (l) (4) Special Rules for Allocation of Interest Expense Among Expenditures in the Case of Passthrough Entities	1545-AM79
2677	26 USC 0472 Income Tax--Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting	1545-AB55
2678	26 USC 0474 Simplified Dollar Value LIFO Method for Certain Small Businesses	1545-AN09
2679	26 USC 0501 Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2680	26 USC 0585 Bad Debt Reserves of Financial Institutions	1545-AJ31
2681	26 USC 0593 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
2682	26 USC 0597 Tax Consequences of Federal Financial Assistance Provided in Connection with Taxable Asset Acquisitions of Troubled Financial Institutions	1545-AN70
2683	26 USC 0613A Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2684	26 USC 0613A Transfers by Individuals to Corporation under Section 613A (c)(10)	1545-AB74
2685	26 USC 0706 (b) Taxable Years of Certain Partnerships	1545-AJ47
2686	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2687	26 USC 0752 Amendments to Temporary Regulations Under Sections 752 and 704(b) Issued 12/29/88	1545-AN29
2688	26 USC 0807 (d) Mortality and Morbidity Tables to be Used for Insurance Products for which there are not Applicable Commissioner's Tables	1545-AK04
2689	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2690	26 USC 0832 Treatment of Salvage Recoverable under Section 832	1545-AN67
2691	26 USC 0846 Temporary Income Tax Regulations--Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AI96
2692	26 USC 0851 Treatment of Designated Hedges by RICs	1545-AM82
2693	26 USC 0852 (b) Treatment of Certain Losses Attributable to Periods After October 31 of a Taxable Year of a Regulated Investment Company	1545-AM56
2694	26 USC 0860F Income Tax--Real Estate Mortgage Investment Conduits (REMICs); Reporting Requirements and Other Administrative Matters	1545-AM99
2695	26 USC 0861 Apportionment of Expenses in the FSC and DISC Contexts	1545-AK78
2696	26 USC 0861 California Franchise Tax and Section 1.861-8 Allocation	1545-AM08
2697	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL26
2698	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM20
2699	26 USC 0864 (d) Treatment of Related Person Factoring Income; Certain Investments in United States Property; and Stock Redemptions Through Related Corporations	1545-AH85
2700	26 USC 0864(e) Transition Rules for Allocation and Apportionment of Interest Expense and Rules Concerning the Treatment of Financial Arrangements That Alter Effective Interest Expense	1545-AN10
2701	26 USC 0865 Temporary Regulations for Source Rules for Personal Property Sales	1545-AL78
2702	26 USC 0871 Employment taxes--Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM29
2703	26 USC 0882 Untimely Filing by Foreign Corporations	1545-AJ74
2704	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
2705	26 USC 0892 Income of Foreign Governments and International Organizations	1545-AL93
2706	26 USC 0897 Income Tax--Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2707	26 USC 0897 Notice of Proposed Rulemaking--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AK79
2708	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
2709	26 USC 0904 (f) 904(f) Transition Rules	1545-AL17

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2710	26 USC 0905 Income Tax--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2711	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
2712	26 USC 0924 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16
2713	26 USC 0936 Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2714	26 USC 0936 (d) (4) CBI Investments of Section 936 Funds	1545-AL81
2715	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
2716	26 USC 0954 Subpart F Definitions	1545-AM15
2717	26 USC 0985 Functional Currency	1545-AL24
2718	26 USC 0987 Profit and Loss Transition Rules	1545-AM13
2719	26 USC 0987 Computation of a Branch's Taxable Income. Taxation of Exchange Gain or Loss on Branch Remittances	1545-AN32
2720	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AL16
2721	26 USC 0989 Definition of a Qualified Business Unit	1545-AM31
2722	26 USC 0989 (c) Transition Rule for Qualified Business Units Using a Net Worth Method of Accounting for Taxable Years Beginning Before January 1, 1987	1545-AL29
2723	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Interest Charge DISCs	1545-AG71
2724	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
2725	26 USC 1059A Customs Limitation on Taxpayer's Basis in Property Imported from Related Persons	1545-AJ92
2726	26 USC 1060 Income Tax--Special Allocation Rules for Certain Asset Acquisitions	1545-AJ06
2727	26 USC 1092 Character of Gains and Losses in Case of Straddles Where at Least One Position is Ordinary and at Least One Position is Capital	1545-AM57
2728	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2729	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2730	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL89
2731	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2732	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2733	26 USC 1291 (d) (2) Passive Foreign Investment Companies	1545-AI33
2734	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
2735	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2736	26 USC 1374 Temporary Regulation--Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK91
2737	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2738	26 USC 1441 Withholding of Tax on Non-Resident Aliens	1545-AN74
2739	26 USC 1445 Withholding Rules on Distributions Attributable to Dispositions of US Real Property Interest by Publicly Traded Partnerships, Trusts and REITS	1545-AM50
2740	26 USC 1446 Temporary Regulation on Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL32
2741	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
2742	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AI58
2743	26 USC 1502 Temporary Regulations-Consolidated Return Investment Adjustments with respect to an Acquired Subsidiary's Built-in Gains or Losses	1545-AK95
2744	26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary	1545-AL59
2745	26 USC 1502 Adjustments Reflecting a Restructuring of a Consolidated Group	1545-AL62
2746	26 USC 1502 Amendment of Consolidated Return Regulations Regarding Deferral of Gain or Loss on Complete Liquidations	1545-AL63
2747	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Certain Organizations Whose Tax-Exempt Status was Revoked by the 1986 Act	1545-AL64
2748	26 USC 1502 Consolidated Investment Credit Recapture	1545-AM35
2749	26 USC 1502 Treatment of Dividend Distributions After the Sale of a Subsidiary	1545-AN12
2750	26 USC 1502 Transactions between members involving common nontaxable exchanges	1545-AN25
2751	26 USC 1503 (d) Dual Resident Companies-Limitation on Consolidated Losses	1545-AJ54
2752	26 USC 1504 Cross-reference--Alaska Native Corporations; Requirements for affiliation in order to file a consolidated return	1545-AK88
2753	26 USC 2036 Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2754	26 USC 2056 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
2755	26 USC 2511 Timeliness of a Disclaimer of Interest in Property Created Prior to Jan. 1, 1977	1545-AN27
2756	26 USC 2653 (b) Estate Tax--Generation Skipping Transfer Tax	1545-AJ11

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2757	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2758	26 USC 3406 Backup Withholding	1545-AL99
2759	26 USC 3406 Clarifying amendments to section 35a.3406-1 regarding backup withholding due to an incorrect TIN	1545-AM51
2760	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2761	26 USC 4041 Election to Have Certain Diesel Fuel Taxes Imposed on Sales to Retailers	1545-AJ13
2762	26 USC 4051 Taxability of Converter Dollies	1545-AL71
2763	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI51
2764	26 USC 4911 Income Tax--Lobbying by Public Charities and Private Foundations	1545-AE02
2765	26 USC 4977 Excise Tax--Election to Aggregate Lines of Business for Purposes of Certain Fringe Benefit Exclusions	1545-AI63
2766	26 USC 4980A Excise Tax -- Excess Distributions from Qualified Retirement Plans	1545-AI81
2767	26 USC 4992 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2768	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2769	26 USC 6011 Excise Tax -- Part 54 -- Procedure and Administration-- Part 301 -- Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
2770	26 USC 6012 (a) Return Filing Requirements for Insurance Companies	1545-AN23
2771	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2772	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ98
2773	26 USC 6045 Information Returns of Broker Transactions	1545-AG02
2774	26 USC 6045 Information Returns on sales through COD Accounts	1545-AG52
2775	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
2776	26 USC 6045 Income Tax--Information Reporting on Real Estate Transactions	1545-AL06
2777	26 USC 6049 To Clarify the Obligation of Brokers to Report Original Issue Discount on Form 1099	1545-AM80
2778	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2779	26 USC 6050M Reporting Requirements Pertaining to Returns Relating to Persons Receiving Contracts from Federal Executive Agencies	1545-AJ05
2780	26 USC 6081 Notice of Proposed Rulemaking - Automatic Extension of Time To File Partnership Return of Income and Trust Income Tax Return	1545-AL38
2781	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM06
2782	26 usc 6103 Income Tax-Disclosure of Return Information to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities	1545-AM02
2783	26 USC 6103 Disclosure of information	1545-AN01
2784	26 USC 6109 Identifying Numbers	1545-AM44
2785	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2786	26 USC 6114 Treaty-Based Return Positions; Failure To Disclose Treaty-Based Return Positions	1545-AN43
2787	26 USC 6221 Application of Unified Partnership Audit Provisions of TEFRA To REMICs	1545-AN78
2788	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2789	26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item	1545-AJ99
2790	26 USC 6326 Administrative Appeal of the Erroneous Filing of Notice of Tax Lien	1545-AN07
2791	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2792	26 USC 6402 Procedure and Administrative--Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AK12
2793	26 USC 6402 Procedure and Administrations--Reduction of Tax Overpayments by Amount of Past-due Legally Enforceable Debt Owed to Federal Agency	1545-AL66
2794	26 USC 6404 (e) Procedure and Administration - Abatement of Interest	1545-AK71
2795	26 USC 6404 (f) Abatement of Any Penalty or Addition to Tax Attributable to Erroneous Written Advice by the Internal Revenue Service	1545-AN04
2796	26 USC 6501 Procedure and Administration Regulations--Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
2797	26 USC 6611 Procedure and Administration Regulations--Modifications of Interest Payments for Certain Periods	1545-AF10
2798	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2799	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2800	26 USC 6723 Penalty for Failure to Include Correct Information on Information Returns and Payee Statements	1545-AJ29
2801	26 USC 7103 (b) Procedure and Administration--Property Seized by the Internal Revenue Service under the Money Laundering Control Act of 1986	1545-AL04
2802	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91

TREAS—IRS

Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2803	26 USC 7430 Recovery of Administrative Costs	1545-AN02
2804	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2805	26 USC 7624 Procedure and Administration Regulations--Reimbursement for State and Local Law Enforcement Agencies	1545-AN00
2806	26 USC 7701 (b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2807	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2808	26 USC 7805 50 % Excise Tax on any gain realized by a person who receives "Greenmail"	1545-AL47
2809	26 USC 7805 The Time and Manner of Making Certain Elections under the Technical and Miscellaneous Revenue Act of 1988	1545-AM76
2810	26 USC 7811 Taxpayer Assistance Orders	1545-AN14
2811	26 USC 7871 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2812	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2813	26 USC 0001 Treatment of Exempt-Interest Dividends as Tax Preference Item	1545-AM39
2814	26 USC 0042 To Clarify the Terms "Building" and "Placed in Service" for Purposes of Section 42	1545-AM03
2815	26 USC 0044 Income Tax--Credit for Increasing Research Activities	1545-AA07
2816	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK21
2817	26 USC 0061 Income Tax--Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits	1545-AH73
2818	26 USC 0132 Income Tax--Prizes and Awards	1545-AJ19
2819	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds	1545-AJ81
2820	26 USC 0267 Regulations Under Section 267 of the Code to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2821	26 USC 0267 (a) (3) Withholding on Accounts Payable to Related Parties	1545-AL97
2822	26 USC 0280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2823	26 USC 0367 (b) Foreign Liquidations and Reorganizations (Temporary Regulations)	1545-AJ76
2824	26 USC 0368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2825	26 USC 0368 Income Tax--Cross-Reference-Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB29
2826	26 USC 0401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2827	26 USC 0412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
2828	26 USC 0453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
2829	26 USC 0469 (l) Limitations on Passive Activity Losses and Credits : Definition of activity	1545-AK62
2830	26 USC 0565 Consent Dividends	1545-AL86
2831	26 USC 0585 Repeal of Bad Debt Reserve Method: Foreign Issues	1545-AL83
2832	26 USC 0702 Income Tax - Application of Effective Date for New Rules Regarding Deductions for Meal, Travel, and Entertainment to Partnerships and S Corporations	1545-AK80
2833	26 USC 0817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
2834	26 USC 0832 Treatment of Salvage and Reinsurance in Determining Losses of Property and Casualty Insurance Companies	1545-AK49
2835	26 USC 0863 Source of Financial Instruments - Withholding Purposes	1545-AN36
2836	26 USC 0864(e) Transition Rules for Allocation and Apportionment of Interest Expense and Rules Concerning the Treatment of Financial Arrangements That Alter Effective Interest Expense	1545-AN11
2837	26 USC 1502 Treatment of Dividend Distributions after the Sale of a Subsidiary	1545-AM36
2838	26 USC 3406 Backup Withholding	1545-AL48
2839	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2840	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2841	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM07
2842	26 USC 6326 Administrative Appeal of the Filing of Notice of Federal Tax Lien	1545-AM62

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2843	26 USC 6404 (e) Abatement of penalties or additions to tax attributable to erroneous written advice of Internal Revenue Service	1545-AM47
2844	26 USC 7624 Procedure and Administration Regulations--Reimbursement for State and Local Law Enforcement Agencies	1545-AM45
2845	26 USC 7805 Elections Under 88 Act	1545-AN50
2846	26 USC 7811 Taxpayer Assistance Orders	1545-AM61

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2294. INCOME TAX--PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-83.

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545-AF39

2295. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-73-84.

Drafting attorney: Bernard Englander (202) 566-4440.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: Bernard Englander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4440

RIN: 1545-AG27

2296. REGULATIONS UNDER SECTION 367 (E)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Whether gain should be recognized under section 367 (e) (1) and (2) on the distribution of stock, securities or other property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-752-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545-AL34

2297. REGULATIONS UNDER SECTION 367 (E)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal deals with whether gain should be recognized under section 367 (e) (1) and (2) on the distributor of stock, securities or other property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-704-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545–AL35

2298. BLOCKED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Computation of income subject to currency or exchange restrictions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-586-86

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Peter Barnes (202) 566-5812.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6284**

RIN: 1545–AL85

2299. SECTION 482 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To revise section 482 regulations per section 482 white paper.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-401-88

Drafting attorney: Teresa T. Milton (202) 287-4851.

Reviewing attorney: Ken Wood (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8066.

13 Income Taxes.

Agency Contact: Teresa T. Milton, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, DC 20024, **202 287-4851**

RIN: 1545–AL80

2300. SECTION 482 COST SHARING REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Transfer of intangibles between affiliates; intercompany pricing issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-372-88

Drafting attorney: Lisa L. Grogan (202) 287-4851.

Reviewing attorney: Ken Wood (202) 287-4851.

Treasury attorney: Rom Watson (202) 566-8066.

13 Income Taxes.

Agency Contact: Lisa L. Grogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AM00

2301. INTEREST DEDUCTION UNDER SECTION 834(C)(5)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations clarify that in order to be deductible under section 834(c)(5), interest must relate to investment income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-110-87

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Don Rocap (202) 566-8277.

Income Taxes

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AL07

2302. ● SPECIAL ESTIMATED TAX PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 847 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide rules for payment of special Estimated Taxes in an amount equal to the Tax Benefit of the special deduction allowed by section 847.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-022-89

Drafting Attorney: William Blagg (202) 566-3294.

Reviewing Attorney: Joseph Ryals (202) 566-3458.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AN33

2303. INCOME TAX - INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80% or more foreign source income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-950-86

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ58

2304. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expense attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge agreement interest rate fluctuation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-773-87

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6795.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6284

RIN: 1545–AL25

2305. COMPUTATION OF INTEREST EXPENSE DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-309-88

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Robert A. Katcher (202) 566-6795.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 202 566-6284

RIN: 1545–AL84

2306. FIRPTA CLEANUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-785-87

Drafting attorney: James Sams (202) 377-9059.

Reviewing attorney: Robert Culbertson (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AJ72

2307. SOURCE RULES WITHIN THE VIRGIN ISLANDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the U.S. or is effectively connected with the conduct of a trade or business within the Virgin Islands or the U.S. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-613-87

Drafting attorney: John J. Brady (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: John J. Brady, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AL40

2308. SUBPART F - USE OF DEFICITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-954-86

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ71

2309. COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch Rules on how to translate branch income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-965-86

Drafting attorney: David Rosenberg (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AM12

2310. SECTION 1248 SALES AND EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will close a loophole in the section 1248 regulations, which currently allow a taxpayer to "bunch" income earned over several years into a single taxable year.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-458-87

Drafting Attorney: Thomas D. Fuller (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Thomas D. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AM42

TREAS—IRS

Prerule Stage

2311. INCOME TAX–DELETION OF THE REQUIREMENT OF SECTION 1.1502-47 (D) (12) (V) (C) THAT, IN APPLYING TACKING RULE, PROFITABLE AND LOSS LIFE ACTIVITIES NOT BE SEPARATED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will prospectively delete the requirement of section 1.1502-47 (d) (12) (v) (C) relating to the restriction on the separation of profitable activities from loss activities in applying the tacking rule to life insurance companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-157-86

Drafting attorney: William Barry (202) 566-4551.

Reviewing attorney: Marcus Blumkin (202) 566-4551.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: William F. Barry, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4551**

RIN: 1545–AI98

2312. LEVY AND DISTRAINT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6331-1; 26 CFR 301.6331-2

Legal Deadline: None

Abstract: Sections 6331 of the Internal Revenue Code was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to preclude certain levies. The Treasury regulations promulgated under Code section 6331 must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-709-88

Drafting attorney: Anne P. Rosselot (202) 535-9669.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne P. Rosselot, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9669**

RIN: 1545–AM70

2313. ● SURRENDER OF PROPERTY SUBJECT TO LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6332-1

Legal Deadline: None

Abstract: Section 6332 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to require banks to hold levied upon accounts for twenty-one days after a levy is served. The Treasury regulations promulgated under this code section must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-172-89

Drafting Attorney: Anne Rosselot (202) 535-9669.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 535-9669**

RIN: 1545–AN45

2314. ● PROPERTY EXEMPT FROM LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6334-1; 26 CFR 301.6334-2; 26 CFR 301.6334-3; 26 CFR 301.6334-4; 26 CFR 301.6334-5; 26 CFR 301.6334-6; 26 CFR 301.6334-7

Legal Deadline: None

Abstract: Section 6334 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to increase certain exemptions from levy, and to exempt a taxpayer's principal residence from levy in most instances. The Treasury regulations promulgated under this section must be changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-173-89

Drafting Attorney: Anne Rosselot (202) 535-9678.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne Rosselot, Dockety Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 535-9678**

RIN: 1545–AN46

2315. ● SALE OF SEIZED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6335-1

Legal Deadline: None

Abstract: Section 6335 of the Internal Revenue Code of 1986 was amended by

section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to allow the owner of property seized by the Internal Revenue Service to request that the property be sold within sixty days, or any longer period specified by the owner. The Treasury regulations promulgated under this section must be changed to reflect this new statutory provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-174-89

Drafting Attorney: Anne Rosselot (202) 535-9669.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 535-9669

RIN: 1545–AN47

2316. ● AUTHORITY TO RELEASE LEVY AND RETURN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6343-1

Legal Deadline: None

Abstract: Section 6343 of the Internal Revenue Code of 1986 was amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to provide new procedures for the release of levies and return of property. The Treasury regulations promulgated under this section must be changed to reflect the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-175-89

Drafting Attorney: Anne Rosselot (202) 535-9669.

Reviewing Attorney: Robert Miller (202) 566-3771.

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 535-9669

RIN: 1545–AN48

2317. COLLECTION AFTER ASSESSMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6502-1

Legal Deadline: None

Abstract: Section 6502 of the Internal Revenue Code of 1986 was amended by section 1015(u) of the Technical and Miscellaneous Revenue Act of 1988, to provide that the statute of limitations on administrative collection is extended if a timely suit to collect is commenced and, furthermore, that the statute is extended until any judgment obtained becomes unenforceable. Treasury Regulation 301.6502-1 must be changed to conform to this new statutory provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-721-88

Drafting attorney: Anne P. Rosselot (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9678

RIN: 1545–AM71

2318. DETERMINING LARGE CORPORATION STATUS FOR CONSOLIDATED RETURN GROUPS PAYING ESTIMATED TAX

Legal Authority: 26 USC 6655(j) Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-5

Legal Deadline: None

Abstract: Section 6655(d)(2) of the IRC of 1986 requires large corporations to make estimated tax payments based on 90 percent of their current year's tax. Section 6655(g)(2) defines a large corporation as one who itself (or a predecessor corporation) had taxable income of $1,000,000 or more in any of the three previous taxable years. The regulation will address difficulties in applying the definition to an affiliated group of corporations filing a consolidated return.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-87-88

Drafting attorney: Brendan P. O'Hara (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Treasury attorney: Marc Levy (202) 566-4902.

Procedure and Administration

Agency Contact: Brendan O'Hara, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AM75

2319. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

TREAS—IRS

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-273-82.

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AE99

2320. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-274-82.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4680

RIN: 1545–AF01

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Proposed Rule Stage

2321. INCOME TAX--DEDUCTION FOR BUS OPERATING AUTHORITIES AND FREIGHT

Legal Authority: 26 USC 1 et seq Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules allowing taxpayers an ordinary deduction ratably over a 60-month period for the adjusted basis of bus operating authorities and freight forwarders held or acquired on certain specified dates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-110-86

Drafting attorney: Christopher Wilson (202) 786-8220.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Bryan Collins (202) 566-8277.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 786-8220

RIN: 1545–AJ18

2322. ● ALCOHOL CREDIT FOR ETBE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.40-1T

Legal Deadline: None

Abstract: This regulation explains mixtures for which credit is available.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-047-89

Drafting attorney: Frank K. Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AN73

2323. INCOME TAX--ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-235-82.

Drafting attorney: Stephen J. Toomey (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorneys: Ellen Aprill (202) 566-5453 and

Robert Scarborough (202) 566-4979.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AE80

2324. MINIMUM TAX CREDIT AND OTHER MISCELLANEOUS RULES RELATING TO THE ALTERNATIVE MINIMUM TAX

Significance: Regulatory Program

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will address issues relating to the Alternative Minimum Tax for individuals and Corporations. Changes to the applicable law were made by the Tax Reform Act of 1986 and the Technical and Miscellaneous Revenue Act of 1988. The regulations will provide individual and corporate taxpayer's with the guidance necessary to determine their alternative minimum tax and their minimum tax credit.

Timetable:

Action	Date	FR Cite
NPRM	10/03/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-2-87

Drafting attorney: Stephen J. Toomey (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Stephen T. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-6320

RIN: 1545–AJ86

2325. INCOME TAX--INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-85-87

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Jackson (202) 566-4196.

Treasury Attorney: Mark Levy (202) 566-4029.

Agency Contact: Edward C. Schwartz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3861

RIN: 1545–AL02

2326. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-209-78.

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Galanko (202) 566-4104.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AA34

2327. TAXATION, VALUATION, AND REPORTING OF "FREQUENT FLYER" OR SIMILAR BONUS PAYMENTS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require information reporting with respect to "frequent flyer" or similar bonus payments in order to increase compliance. The regulation will also provide valuation rules to assist taxpayers in valuing the bonuses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-79-86

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of

the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AK02

2328. AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSTANT YIELD METHOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide a method for determining how to include bond premium into income. The method is the constant yield method.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-70-88

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL92

2329. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The loan rules are provided in section 72(p) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-82.

Drafting attorney: Elizabeth Purcell (202) 566-3251.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: Elizabeth A. Purcell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AE41

2330. ● TEN PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTION FROM QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 72

Legal Deadline: None

Abstract: Guidance concerning the application of the tax to early distributions and an explanation of the exceptions, such as substantially equal periodic payments.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: EE-002-89

Drafting Attorney: Janet Lloyd (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Janet Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AN16

2331. REMOVING GENDER DISTINCTION FROM MORTALITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will update and gender-neutralize the mortality table used under section 79 to determine the value of permanent group-term life insurance benefits provided to employees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-88-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4465

RIN: 1545–AK50

2332. ● EXTENSION OF SECTION 79 UNIFORM PREMIUM TABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulation will extend the present table for determining the cost of group term life insurance to include ages over 64.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-003-89

Drafting attorney: Betty Clary (202) 566-4465

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, D.C. 20224, 202 566-4465

RIN: 1545–AN51

2333. ● SECTION 79 TABLE I UPDATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will update the table used to determine the cost amount of group-term life insurance to be included in gross income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-4-89

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4465

RIN: 1545–AN54

2334. ● STUDY OF APPLICATION OF SECTION 302 AND SECTION 1.83(D)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 83 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.83-6

Legal Deadline: None

Abstract: Regulation section 1.83-6(d) will be revised to distinguish between a section 302 transaction and a 1032 transaction. Also, a special rule will be added for transfers of stock from a parent corporation to employees of a subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-81-88

Drafting Attorney: Charles Deliee (202) 566-4752.

Agency Contact: Charles T. Deliee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4752

RIN: 1545–AN55

2335. TO PROVIDE REGULATIONS UNDER SECTION 147 (B)--RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private activity bonds (including qualified 501 (c) (3) bonds), other than mortgage revenue bonds and student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-220-82.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE69

2336. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-156-84.

Drafting attorney: Jack Malgeri (202) 566-4545.

Reviewing attorney: Michael J. Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4545

RIN: 1545–AG84

2337. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed Regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: FI-29-86.

Drafting attorney: George Kelley (202) 566-3283.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Margaret C. Henry (202) 533-6966.

Guidance on the definition of Issuance appeared as Notice 88-130, 1988-52 IRB 12. The rules contained in the Notice will be incorporated in the regulations.

Agency Contact: George Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3283**

RIN: 1545–AI65

2338. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 143 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-307-84.

Drafting attorney: Allan Seller (202) 566-3332.

Reviewing attorney: Michael J. Montemurro (202) 566-4545.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Allan Seller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3332**

RIN: 1545–AG88

2339. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-91-81.

Drafting Attorney: Warren Joseph (202) 566-4430.

Reviewing Attorney: Sharon Hall (202) 566-4430.

Agency Contact: Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AA67

2340. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-303-84.

Drafting Attorney: Karin G. Gross (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-4430.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AH17

2341. QUALIFIED TUITION REDUCTIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income. The proposed regulations also provide rules relating to the treatment of tuition reductions in the case of graduate student teaching and research assistants.

Timetable:

Action	Date	FR Cite
NPRM	11/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-35-85.

Drafting Attorney: Michael Schmit (202) 566-3826.

Reviewing Attorney: William Galanko (202) 566-3826.

Treasury Attorney: Jeanne Hoenicke (202) 566-5911.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3826

RIN: 1545–AI13

2342. INCOME TAX--TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal". In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

EE-74-88.

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes (202) 566-4747

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Richard Pavel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3503

RIN: 1545–AJ21

2343. ● DEPENDENT CARE ASSISTANCE

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 129 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance to employers and their employees concerning qualified dependent care assistance programs. Under 26 USC 129, an employee may exclude up to $5,000 from gross income for dependent care.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-090-88

Drafting Attorney: Monice Rosenbaum (202) 566-3505.

Reviewing Attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3505

RIN: 1545–AN17

2344. ● EXCLUSION FROM GROSS INCOME FOR INCOME FROM U.S. SAVINGS BONDS USED TO PAY TUITION AND FEES

Significance: Agency Priority

Legal Authority: 26 USC 135 Internal Revenue Code Of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers concerning the exclusion from income of interest on United States Savings Bonds used to pay higher education tuition and fees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-013-89

Drafting Attorney: Celia Gabrysh (202) 566-6320.

Reviewing Attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Celia Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AN18

2345. DEFINITION OF "PRIVATE ACTIVITY BOND", "QUALIFIED BOND"

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides a definition of the term "private activity bond".

Timetable:

Action	Date	FR Cite
NPRM	08/19/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-72-88

Drafting attorney: Dave Selig (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

13 Income Tax

Agency Contact: Dave Selig, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, IIII Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4545

RIN: 1545–AM01

2346. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-089-86

Drafting attorney: Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2926.

Agency Contact: Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-4336**

RIN: 1545–AJ66

2347. QUALIFIED 501 (C) (3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for qualified 501 (c) (3) bonds.

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-84-86.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-4545**

RIN: 1545–AJ39

2348. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	08/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-85-86

Drafting attorney: David Selig (202) 566-4545.

Reviewing attorney: David Walton (202) 566-3723.

Agency Contact: David Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-4545

RIN: 1545–AJ37

2349. GENERAL REVISION OF ARBITRAGE REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding the arbitrage restrictions for tax-exempt bonds, other than the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-48-88

Drafting attorney: George Kelley (202) 566-3283.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

This project is being drafted at the Treasury and will be reviewed by IRS. Thus, it is impossible to establish a timetable.

Agency Contact: George P. Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3283**

RIN: 1545–AL90

2350. ADVANCE REFUNDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986;; 26 USC 149 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding advance refundings of certain private activity bonds and certain other bonds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-50-88

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-3347**

RIN: 1545–AL91

2351. INCOME TAX--TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-190-77.

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Office of Tax Legislative Counsel reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AA79

2352. DEDUCTIONS WITH RESPECT TO NONCASH FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.162-25

Legal Deadline: None

Abstract: The project is to produce proposed rules relating to an alternative way for employers to take deductions with respect to noncash fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-89-88

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Paul Kane (202) 566-4430.

Income Tax

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-4430

RIN: 1545–AM40

2353. DEFINITION OF RELATED VIOLATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would amend the definition of "related violations" under section 162(g) of the Internal Revenue Code of 1986 in order to update such definition in light of subsequent events.

Timetable:

Action	Date	FR Cite
NPRM	11/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-87

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AK83

2354. QUALIFIED RESIDENCE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-88

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Adam Handler (202) 566-2175.

13 Income Tax

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, 202 566-4430

RIN: 1545–AL67

2355. PROHIBITION ON FOREIGN TARGETING OBLIGATIONS BACKED BY UNITED STATES GOVERNMENT SECURITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking providing that obligations backed by United States government securities may not be foreign targeted.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-070-88

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Dupuy (202) 566-6795.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AM19

2356. INCOME TAX–NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

TREAS—IRS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-244-81.

Drafting attorney: Michael Hahn (202) 566-6511.

Reviewing attorney: Noel Sheehan (202) 566-4819.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-2928.

Normalization Requirement

Agency Contact: Michael Hahn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6511

RIN: 1545–AA88

2357. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules concerning the accelerated cost recovery system for property generally placed in service after December 31, 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-86-86.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-6511.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3292

RIN: 1545–AJ38

2358. INCOME TAX -- TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-231-84.

Drafting attorney: Karin G. Gross (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AI09

2359. ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules rules relating to the changes made to section 179 by the Tax Reform Act of 1986. This includes changes to the dollar limitation and recapture provision as well as the new trade or business income limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-52-88

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Harold Burghart (202) 566-3292.

Treasury attorney: Barksdale Penick (202) 566-5453.

Income Tax - Election to expense depreciable business assets.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AL74

2360. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-36-81.

Drafting attorney: Paul F. Handleman (202) 566-4121.

Reviewing attorney: James Ranson (202) 566-4944.

Agency Contact: Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4121

RIN: 1545–AB02

2361. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 245

Legal Deadline: None

Abstract: Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-943-86

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL94

2362. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-261-84.

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AH39

2363. CAPITALIZATION OF CERTAIN PENSION, ETC. COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that certain costs of deferred compensation must be capitalized rather than deducted currently.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-56-78

Drafting attorney: John Tolleris (202) 566-3060.

Reviewing attorney: Michael Garvey (202) 566-3251.

Agency Contact: John Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AI92

2364. NOTICE OF PROPOSED RULEMAKING -- CAPITALIZATION OF INTEREST EXPENSE

Significance: Regulatory Program

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-121-86.

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: John Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3024

RIN: 1545–AK01

2365. ● RULES FOR TREATMENT OF FOREIGN CORPORATION WHOSE STOCK IS STAPLED TO THE STOCK OF A DOMESTIC CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 268B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide a general rule that where a U.S. owned foreign corporation and a U.S. owned domestic corporation are stapled entities, the foreign corporation will be treated as a domestic corporation and that the deemed conversion will be treated as a reorganization under section 368(a)(1)(F) of the Code. The regulations will also provide exceptions to this general rule.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-237-89

Drafting attorney: Patricia C. Bray (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Patricia C. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AN20

2366. INCOME TAX--TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-114-81.

Drafting attorney: Carlos Sandoval (202) 377-9586.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Judd Kelley (202) 566-8527.

Agency Contact: Carlos Sandoval, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9586

RIN: 1545–AB04

2367. CERTAIN ATTRIBUTION RULES AND CERTAIN CORPORATE REORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302 (c) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-189-82.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3450.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF13

2368. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
NPRM	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-52-87

Drafting attorney: Linda Schultz (202) 566-3422.

Reviewing attorney: Marcus Blumkin (202) 566-3216.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Linda Schultz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AK29

2369. CROSS-REFERENCE--RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986; SECTIONS 631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for the recognition of gain or loss on a corporation's liquidating sales or distributions.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-79-87

Drafting attorney: Peter J. Bautz (202) 566-3341.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Peter J. Bautz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3341

RIN: 1545–AK90

2370. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to RICs and REITs.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-15-88

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Glenn Carrington (202) 566-3430.

Treasury attorney: Judge Kelley (202) 566-2175.

13 Income Tax, Normal Taxes and Surtaxes, RICs and REITs

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AL65

2371. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will require the use of the MADSP formula in a qualified stock purchase to which Section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-87.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelly (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AK25

2372. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-87

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judd Kelly (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AK31

2373. INCOME TAX–TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-993-71.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Christopher Kane (202) 566-3551.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel 202) 566-5453.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AB21

2374. SECTION 361 OUTBOUND TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The income tax regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

TREAS—IRS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-084-89

Drafting attorney: Elizabeth U. Karzon (202) 566-3160.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-3992.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3160**

RIN: 1545–AM97

2375. ● CERTAIN EXCHANGES DESCRIBED IN MORE THAN ONE CODE SECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Change regulations to conform treatment under the section 367(b) regulations of the transfer of controlled foreign corporation stock.

Timetable:

Action	Date	FR Cite
NPRM	11/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-352-89

Drafting attorney: Richard Chewining (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: Martin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AN58

2376. CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980, dealing with bankruptcy and other insolvency reorganizations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-74-87.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Christopher Kane (202) 566-3433.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3551**

RIN: 1545–AK33

2377. INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will explain and illustrate the limitations provided under section 382 of the Internal Revenue Code of 1986 on a corporation's use of net operating loss carryovers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-103-86.

Drafting Attorney: Keith Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3422.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3367**

RIN: 1545–AI99

2378. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-67-87

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3422.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AK27

2379. ● AMENDMENT OF SEC. 1.382-2T(H)(4)(X) TO GRANT THE IRS AUTHORITY TO DESIGNATE IN THE INTERNAL REVENUE BULLETIN ADDITIONAL OPTIONS TO BE EXCEPTED FROM ATTRIBUTION RULES OF SEC. 1.382-2T(H)(4)(I)

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of this project is to amend the temporary regulations under section 382 of the Internal Revenue Code to provide additional exceptions to the operation of the option attribution rules of 1.382-2T(h)(4)(x) and to grant the Internal Revenue Service the authority to issue revenue rulings to provide future additional exceptions to those option attribution rules.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-010-89

Drafting attorney: Keith Stanley (202) 566-3367.

Reviewing attorney: James L. Dahlberg (202) 566-3255.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AN76

2380. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-69-87

Drafting attorney: Lori Jones (202) 566-3205.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3205

RIN: 1545–AK26

2381. LIMITATION ON USE OF PREACQUISITION LOSSES TO OFFSET BUILT-IN GAINS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 384 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Thé regulations are intended to provide guidance concerning the application of section 384 of the Internal Revenue Code. This section limits a Corporation's ability to offset gains that accrued prior to a merger or acquisition against pre-acquisition losses of a second Corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-99-88

Drafting Attorney: Robert M. Casey (202) 566-3551.

Reviewing Attorney: Glenn Carrington (202) 566-3430.

Income Tax: Corporate adjustment and distribution.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AM48

2382. NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation is intended to provide guidance concerning the application of sections 401(a)(4) and 410(b) of Internal Revenue Code. These sections require tax-qualified pension plans to meet certain nondiscrimination requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-61-88

Drafting attorney: Rebecca Wilson (202) 343-6954.

Reviewing attorneys: Richard Wickersham and Nancy Marks

(202) 343-6954.

Agency Contact: Rebecca S. Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-6954

RIN: 1545–AM95

2383. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES

Legal Authority: 26 USC 403 (b) (12) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax- sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-163-86

Drafting attorney: Richard M. Lent (202) 566-3050.

Reviewing Attorney: Nancy Marks (202) 343-6954.

Treasury Attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Richard M. Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3050**

RIN: 1545–AI90

2384. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404 (a) (9) Internal Revenue Code of 1986; 26 USC 415 (c) (6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-152-81.

Drafting attorney: Michael Gompertz (202) 566-4530.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Michael Gompertz, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4530**

RIN: 1545–AD77

2385. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AD82

2386. INC. TAX -- PART 1; ESTATE TAX -- PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401 (a) (28) Internal Revenue Code of 1986; 26 USC 401 (a) (23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404 (k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86

Drafting attorney: John Ricotta (202) 566-4747.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AI87

2387. SPECIAL RULES IN MERGER AND ACQUISITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide special rules for employee plans in mergers and acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-26-88

Drafting attorney: Richard M. Lent (202) 566-3050.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Income Tax: Pension, Profit-Sharing, Stock Bonus Plans

Agency Contact: Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3050

RIN: 1545–AM94

2388. REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 (c) (7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

Abstract: This project will interpret the new full funding limitation on deductible contributions to pension plans.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88

Drafting attorney: Heather Kerr (202) 566-6260.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Heather Kerr, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6260

RIN: 1545–AL53

2389. DEFINITION OF LINE OF BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (r) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Internal Revenue Code section 414 (r) defines line of business for purposes of applying the coverage requirements under section 410 (b) and the nondiscrimination requirements for certain employee benefit plans under section 89.

Timetable:

Action	Date	FR Cite
NPRM	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-144-87

Drafting attorney: Rhonda G. Migdail (202) 566-4747.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Priscilla Ryan (202) 566-5435.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AL23

2390. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-66-84.

Drafting attorney: Mark Schwimmer (202) 566-3155.

Reviewing attorney: Norman Paul (202) 566-4741.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3155

RIN: 1545–AG14

2391. ● INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.422A-1; 26 CFR 1.422A-2

Legal Deadline: None

Abstract: Outstanding proposed regulations will be revised to reflect changes to section 422A made by the Tax Reform Act of 1986, PL 99-514. The revised regulations will be reissued in proposed form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-86-88

Drafting Attorney: Charles Deliee (202) 566-4752.

Agency Contact: Charles Deliee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4752

RIN: 1545–AN26

TREAS—IRS

Proposed Rule Stage

2392. INC. TAX--PART 1--AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section 1.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-03-86.

Drafting attorney: Suzanne K. Tank (202) 566-3050.

Reviewing attorney: Paul G. Accettura (202) 566-6478.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3050

RIN: 1545-AI68

2393. ● TIMING, CHARACTER AND SOURCE OF INCOME WITH RESPECT TO NOTIONAL PRINCIPAL CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations address the timing and nature of income and deductions from notional principal contracts. They are intended to provide guidance to both purchasers and sellers of notional principal contracts, and will include a section on marking notional principal contracts to market.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-016-89

Drafting Attorney: Karl Walli (202) 566-3516.

Reviewing Attorney: Phoebe Mix (202) 566-3331.

Treasury Attorney: Reed Schuldiner (202) 566-2175.

Agency Contact: Karl Walli, Attorney Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3516

RIN: 1545-AN15

2394. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-103-81.

Drafting attorney: Michael J. Grace (202) 377-9660.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9660

RIN: 1545-AB41

2395. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-2-81.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545-AB45

2396. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-147-82.

Drafting attorney: Robert N. Deitz (202) 377-9582.

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9582

RIN: 1545-AB46

2397. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-54-84.

Drafting attorney: Robert N. Deitz (202) 377-9582.

Reviewing attorney: George Wright (202) 377-9587.

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9582**

RIN: 1545–AG37

2398. INCOME TAX -- DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-166-86

Drafting attorney: Brant Goldwyn (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Agency Contact: Brant Goldwyn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AI89

2399. ACCOUNTING FOR LONG-TERM CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to accounting for costs incurred in the performance of long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-130-86

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3024**

RIN: 1545–AJ28

2400. INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-258-84.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Kathleen Ferrell (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AH32

2401. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-192-78.

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9660**

RIN: 1545–AF86

2402. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-85.

Drafting attorney: Jeffrey C. Golden (202) 566-3244.

Reviewing attorney: Frances D. Schafer (202) 566-3629.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: Jeffrey C. Golden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3244**

RIN: 1545–AI02

2403. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-124-86.

Drafting attorney: John Kramer (202) 377-9660.

Reviewing attorney: Michael J. Grace (202) 377-9660.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: John Kramer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9660**

RIN: 1545–AK08

2404. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-292-84.

Drafting attorney: Sharon L. Hall (202) 566-4430

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AG81

2405. ● DISPOSITION OF AN INTEREST IN A NUCLEAR POWER PLANT

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.468A-6, (New); 26 CFR 1.468A-1(b), (Revision); 26 CFR 1.468A-3, (Revision); 26 CFR 1.468A-8(b), (Revision)

Legal Deadline: None

Abstract: Final regulations relating to Nuclear Decommissioning Funds did not include provisions for treatment upon disposition of an interest in a nuclear power plant. The proposed regulations will provide guidance to determine the tax consequences of such disposition on a Nuclear Decommissioning Fund and on taxpayers that establish such funds. In addition, the proposed regulations will make a number of needed changes and clarifications to the existing regulations that will aid in the administration and processing of requests for schedules of ruling amounts.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 491 Electric Services; 493 Combination Electric and Gas, and Other Utility Services

Additional Information: PS-004-89

Drafting Attorney: Peter C. Friedman (202) 566-3602

Reviewing Attorney: Noel Sheehan (202) 566-4819

Treasury Attorney: Robert Scarborough (202) 566-2928

Agency Contact: Peter C. Friedman, Senior Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington D.C. 20224, **202 566-3602**

RIN: 1545–AN06

2406. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-31-87

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 343-2383**

RIN: 1545–AK64

2407. INCOME TAX--UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3505**

RIN: 1545–AE00

2408. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-083-82.

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AF00

2409. ● TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 597 Internal Revenue Code of 1986, as amended

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to Section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L's.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-046-89

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Steven Glickstein (202) 566-3346.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545–AN71

2410. INCOME TAX--RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-71.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AB69

2411. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/69	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-34-85.

Drafting attorney: Carol E. Schultze (202) 566-3625.

Reviewing attorney: Thomas J. Hines (202) 566-6813.

Agency Contact: Carol E. Schultze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3625

RIN: 1545–AI06

2412. CLARIFICATION OF SECTION 1.643 (A) (3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 (a) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

Timetable:

Action	Date	FR Cite
NPRM	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-85.

Drafting attorney: Richard H. Smith, Jr. (202) 343-8558.

Reviewing attorney: Arthur H. Ernst (202) 566-3158.

Treasury attorney: William M. Paul 9202) 566-5455.

Agency Contact: Richard H. Smith, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-8558

RIN: 1545–AI31

2413. ACCUMULATION TRUSTS

Legal Authority: 26 USC 667 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.667(a); 26 CFR 1.641; 26 CFR 1.643; 26 CFR 1.652; 26 CFR 1.661; 26 CFR 1.666; 26 CFR 1.668

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 provides for a new method of computing the tax on distributions of income accumulated by a trust in prior years. The new method, in effect, determines the tax attributable to an accumulation distribution by averaging the distribution over the number of years during which the income was earned by the trust. This is accomplished by including, for purposes of tentative computations, a fraction of the income received from the trust in the beneficiaries' income for 3 of the 5 preceding years. Those 3 years are determined by taking from the 5 preceding years the year with the highest taxable income and the year with the lowest. The fraction of the income included in each of the 3 years is based upon the number of years during which the income is accumulated by the trust. The average yearly additional tax determined by recomputing the tax for the 3 years is then multiplied by the number of years during which the distribution was accumulated. The resulting tax so computed may be offset by a credit for any taxes previously paid by the trust with respect to the accumulated income. (Cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-184-76

Drafting attorney: James F. Hogan (202) 566-3502.

Reviewing attorney: Tom Hines (202) 566-6813.

Treasury attorney: Bob Weaver (202) 535-6959.

"ABSTRACT CONT": Any remaining tax liability is then due and payable in the same year as the tax on the beneficiary's other income in the year of the distribution.

Estates and Trusts

Agency Contact: James F. Hogan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3502

RIN: 1545–AM78

2414. ● REVISION OF REPORTING REQUIREMENTS FOR GRANTOR TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 671 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.671-4, (Revision); 26 CFR 1.6012-3; 26 CFR Not yet determined

Legal Deadline: None

Abstract: Grantor trusts would file 1099's or nothing at all with the Service, and provide a statement of earnings

deductions and credits to each grantor. This will enable the Service to match the reported income from grantor trusts with the grantor's tax return. Different procedures will be required for trusts with single grantors as opposed to multiple grantors. Corporation grantors will be included. Other considerations will be whether backup withholdings rules apply and whether there is a legal basis for requiring a payor to report income directly to the grantor rather than the trust.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-49-89

Drafting attorney: Mary Jane Kossar (202) 566-3453.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Mary Jane Kossar, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3453**

RIN: 1545–AN77

2415. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-86.

Drafting attorney: Richard H. Smith, Jr. (202) 343-8558.

Reviewing attorney: Arthur H. Ernst (202) 566-3158.

Treasury attorney: William M. Paul (202) 566-5455.

Agency Contact: Richard H. Smith, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-8558**

RIN: 1545–AJ20

2416. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-164-84.

Drafting attorney: Claire E. Toth (202) 566-3830.

Reviewing attorney: John B. Bromell (202) 566-4320.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: Claire E. Toth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3830**

RIN: 1545–AG98

2417. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-265-76.

Drafting attorney: Donna K. Douglas (202) 377-9665.

Reviewing attorney: Claire E. Toth (202) 566-3830.

Treasury attorney: Greg Marich (202)566-2927.

Agency Contact: Donna Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9665**

RIN: 1545–AB81

2418. INCOME TAX--TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-234-84.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: John B. Bromell (202) 566-4320.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-8459**

RIN: 1545–AG83

2419. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-163-84.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: John B. Bromell (202) 566-4320.

Office of Tax Legislative Counsel (Treasury) reviewing Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-8459**

RIN: 1545–AH22

2420. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-232-84.

Drafting attorney: Noah S. Baer (202) 566-3622.

Reviewing attorney: Thomas S. Hines (202) 566-6813.

Income Tax

Agency Contact: Noah S. Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3622**

RIN: 1545–AG85

2421. ● AMENDMENTS TO PROPOSED REGULATIONS UNDER SECTIONS 752 AND 704(B) ISSUED 12/29/88

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These amendments make certain clarifying and corrective changes to the proposed regulations issued 12/29/88 (RIN 1545-AH26) relating to the treatment of partnership liabilities and the allocation of deductions attributable to nonrecourse debt.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-019-89

Drafting attorney: Mary A. Munday (202) 377-9470

Reviewing attorney: Dianna Miosi (202) 566-4070

Treasury attorney: Greg Marich (202) 566-5453

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D. C. 20224, **202 377-9470**

RIN: 1545–AN30

2422. ● TREATMENT OF SALVAGE RECOVERABLE UNDER SECTION 832

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.832-4T

Legal Deadline: None

Abstract: Regulations will provide rules relating to the proper treatment of salvage and reinsurance recoverable in the computation of the losses incurred deduction of section 832(b)(5).

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-042-89

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AN68

2423. ● TAXATION OF FOREIGN INSURANCE COMPANIES DOING BUSINESS IN THE UNITED STATES INCLUDING THE EXPLICATION OF THE MINIMUM NET INVESTMENT INCOME CALCULATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.842, (New); Not yet determined

Legal Deadline: None

Abstract: The regulation will describe the proper rules applicable to the taxation of Foreign Insurance Companies doing business in the United States. In particular, the regulation will address the computation of an Insurance Company's minimum effectively connected net Investment

Income. Also the procedures by which an Insurance Company may elect to use its worldwide current investment yields will be discussed.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-020-89

Drafting Attorney: Fred Campbell-Mohn and Phil Garlett (202) 566-3458.

Reviewing Attorney: Steve Hooe (202) 566-3294.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Frederick S. Campbell-Mohn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AN31

2424. ● THE DEFINITION OF MODIFIED ENDOWMENT CONTRACT AND THE PROPER TREATMENT OF LOANS AND OTHER DISTRIBUTIONS FROM SUCH CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7702(A); Not yet determined

Legal Deadline: None

Abstract: The regulation will provide guidance regarding the proper computation of the 7-pay premium. In addition, the regulation will elaborate on the rules for treatment of materially changed contracts. The regulations will also describe any adjustments to the 7-pay premiums due to small contracts or expenses solely attributable to the collection of premiums more frequently than annually. The regulations will also develop the effective date provisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-011-89

Drafting attorney: Barry Landau (202) 566-3458.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Barry Landau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AN49

2425. FOREIGN INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will prescribe rules for determining income effectively connected with the conduct of an insurance business in the United States.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-024-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AL82

2426. INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-139-86.

Drafting Attorney: Bill Blagg (202) 566-3294.

Reviewing Attorney: Joe Ryals (202) 566-3459.

Treasury Attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3294

RIN: 1545–AJ51

2427. TREATMENT OF CERTAIN LOSSES ATTRIBUTABLE TO PERIODS AFTER OCTOBER 31 OF A TAXABLE YEAR OF A REGULATED INVESTMENT COMPANY

Legal Authority: 26 USC 852 (b) (3) Internal Revenue Code of 1986; 26 USC 852 (b) (8) Internal Revenue Code of 1986; 26 USC 852 (c) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to certain losses attributable to periods after October 31 of a taxable year of a regulated investment company for purposes of determining taxable income, earnings and profits, and the amount which may be designated as capital gain dividends for a taxable year.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-105-88

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William E. Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Companies

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AM55

2428. INCOME TAX--ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-88-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3827.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3458

RIN: 1545–AJ35

2429. ● REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICS); REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986; 26 USC 1275 (c) Internal Revenue Code of 1986; 26 USC 6049 (d)(7)(D)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on how to elect REMIC status, and the reporting requirements on REMICs and brokers or middlemen holding as nominees for the actual owner.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-22-89

Drafting Attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing Attorney: Thomas J. Lyden (202) 566-3287.

Treasury Attorney: Reed Schuldiner (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AN52

2430. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-947-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income taxes

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ68

2431. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 -- SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-949-86

Drafting attorney: Carol E. Murphy (202) 566-3160.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: David Crowe (202) 566-8275.

13 Income taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3160

RIN: 1545–AJ84

2432. ● SOURCE OF GROSS INCOME ATTRIBUTABLE TO CERTAIN FINANCIAL PRODUCTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will clarify the source of gross income from certain financial products.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-190-89

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6284.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6284**

RIN: 1545–AN35

2433. TREATMENT OF DEFERRED PAYMENTS AND APPRECIATION ARISING OUT OF BUSINESS CONDUCTED WITHIN THE US

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the treatment of certain deferred payments and property transactions in sourcing effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-662-88

Drafting attorney: Emerson G. Yearwood (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Emerson G. Yearwood, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AM53

2434. SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-946-86

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Robert E. Culbertson (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AJ83

2435. EMPLOYMENT TAXES--APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules enforcing the exclusion from portfolio interest treatment of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-920-87

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Employment taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AM30

2436. INCOME TAX - RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-948-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-8275.

13 Income taxes.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545-AJ57

2437. INCOME TAX -- PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-384-88

Drafting attorney: James Sams (202) 377-9059.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545-AL77

2438. DEEMED PAID CREDIT UNDER SECTIONS 902 AND 960 DETERMINED ON ACCUMULATED BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902 (c)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-933-86

Drafting attorney: Kenneth Wood (202) 287-4851.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Kenneth Wood, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 287-4851

RIN: 1545-AL98

2439. CARRYBACK AND CARRYFORWARD OF FOREIGN TAX CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the carryback and carryforward of excess foreign tax credits under the provisions of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-945-86

Drafting attorney: Bobby Burns (202) 566-3388.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Bobby Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3388

RIN: 1545-AM18

2440. SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the impact of the Technical Corrections and Miscellaneous Revenue Act of 1988 on section 904(d), the foreign tax credit limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-790-88

Drafting attorney: Caren S. Shein (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AM54

2441. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-338-89

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Willard Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3896**

RIN: 1545–AM11

2442. SUSPENSION OF REQUIREMENT TO FILE A RECEIPT FOR FOREIGN TAXES PAID ON A RETURN FOR FOREIGN TAXES ACCRUED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the suspension of the requirement to file a receipt for foreign taxes paid or a return for foreign taxes accrued.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-357-88

Drafting Attorney: Thomas D. Fuller (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Thomas D. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AM43

2443. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 876 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income of bona fide residents sourced within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information and other administrative matters. Regulations are needed to clarify who qualifies as a bona fide resident and to determine sourcing rules.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-968-86

Drafting attorney: George Sellinger (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ80

2444. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-969-86

Drafting attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 343-0247.

Agency Contact: Grace Perez-Navarro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ55

2445. REGULATIONS UNDER SECTION 932(B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address United States residents earning income in the Virgin Islands and the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-004-89

Drafting Attorney: John Brady (202) 287-4851.

Reviewing Attorney: George Sellinger (202) 287-4851.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: John Brady, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AM89

2446. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that gives rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-053-89

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

13 Income taxes.

Agency Contact: W. Edward Williams, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Washington, DC 20024, **202 287-4851**

RIN: 1545–AM91

2447. AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would require that once a product election was made it could not be amended for the taxable year of the election.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-450-87

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AK77

2448. INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation defines related person insurance income; and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953(a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-939-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: T. Timothy Tuerff (202 566-5896.

Treasury attorney: Peter Barnes (202) 566-5815

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AJ70

2449. SUBPART F SHIPPING AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address statutory changes under the Tax Reform Act of 1986, with respect to foreign base company shipping income and amounts invested in and withdrawn from foreign base company shipping operations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-654-88

Drafting attorney: Christine E. Arquit (202) 566-6645.

Reviewing attorney: Jack Feldman (202) 566-6645.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Christine E. Arquit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AM46

2450. TAX ACCOUNTING ELECTIONS IN COMPUTING EARNINGS AND PROFITS OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will develop procedures for foreign corporations or U.S. shareholders to make tax elections in computing functional currency earnings and profits under the 1986 Code.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-040-89

Drafting attorney: Teresa Hughes (202) 566-6795.

Reviewing attorney: Barbara Felker (202) 566-6284.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Teresa Hughes, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 202224, **202 566-6795**

RIN: 1545–AM90

2451. ● EXCHANGE GAIN OR LOSS ON DISTRIBUTION OF PREVIOUSLY TAXED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 986 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide timing and computation rules relating to the taxation of exchange gain or loss on previously taxed income that is distributed through a chain of controlled foreign corporations.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-107-89

Drafting attorney: Barbara Felker (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Barbara Felker, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6284**

RIN: 1545–AN37

2452. SECTION 988(D) - INTEGRATED HEDGING RULES FOR FOREIGN EXCHANGE GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules regarding fully hedged and partially hedged nonfunctional currency denominated transactions.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-966-86

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6284**

RIN: 1545–AL15

2453. ● TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-485-89

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6284

RIN: 1545–AN28

2454. ● CHANGE IN FUNCTIONAL CURRENCY AND DEFINITION OF WEIGHTED AVERAGED EXCHANGE RATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 985 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project sets forth the adjustments that are necessary on a change in functional currency and the definition of weighted average exchange rate.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-472-89

Drafting attorney: David Rosenberg (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AN53

2455. DISC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Conforming DISC regulations to FSC regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-104-88

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Richard L. Chewning (202) 566-6384.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AM05

2456. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-237-84.

Drafting attorney: D. Lindsay Russell (202) 343-2381.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-2381

RIN: 1545–AH43

2457. ● DETERMINATION OF LIKE-KIND PROPERTY IN BUSINESS-FOR-BUSINESS EXCHANGES; MULTIPLE ASSET EXCHANGES; AND SINGLE ASSET EXCHANGES OF PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation concerns the determination of like-kind property in single asset exchanges of personal property, exchanges of multiple assets, and exchanges of businesses. These regulations are intended to correct and clarify the current regulations under section 1031 of the code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-012-89

Drafting Attorney: Christopher Rogers (202) 377-9583.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Adam Handler (202) 566-2175.

Agency Contact: Christopher Rogers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 377-9583

RIN: 1545–AN38

2458. ● SOURCING OF PASS-THROUGH PAYMENTS AND FEES PAID IN INTERNATIONAL SHORT SALES OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: When securities are sold short and payments in lieu of dividends or interest are paid by a U.S. person to a foreigner or vice versa, no rules exist to determine the source of such payments. These regulations will provide such rules. Either the payments will be sourced by reference to residence of the payor or residence of the recipient. Taxpayers now are likely using whatever rule avoids taxation; these regulations will at least provide some revenue to the FISC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-106-89

Drafting attorney: Teresa B. Hughes (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AN34

2459. INCOME TAX--NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-260-84.

Drafting attorney: Keith Engel (202) 566-6271.

Reviewing attorney: Peter Lynard (202) 566-6358.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Keith Engel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6271**

RIN: 1545–AH41

2460. INCOME TAX--TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263 (g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-187-81.

Drafting attorney: James W. C. Canup (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

Agency Contact: James W. C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AC21

2461. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-42-86

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AC31

TREAS—IRS

Proposed Rule Stage

2462. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking to amend regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not recognized.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-910-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AL88

2463. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-183-81.

Drafting attorney: Unassigned

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3928**

RIN: 1545–AC34

2464. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL, GAS, GEOTHERMAL OR OTHER MINERAL PROPERTIES BY S CORPORATIONS AND THEIR SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment by S corporations and their shareholders from the disposition of certain oil, gas, geothermal, or other mineral properties. Gain subject to recapture under section 1254 will be accorded ordinary income treatment. The regulations also will determine the tax treatment of sales of shares of stock in an S corporation that holds oil, gas, geothermal, or other mineral properties.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-7-89

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Natural Resources

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3292**

RIN: 1545–AM98

2465. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-11-86.

Drafting attorney: Channing E. Brackey (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

13 Income Tax

Agency Contact: Channing E. Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-3287**

RIN: 1545–AI59

TREAS—IRS

Proposed Rule Stage

2466. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-10-86.

Drafting attorney: Channing E. Brackey (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

Agency Contact: Channing E. Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3287

RIN: 1545–AI72

2467. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the Treatment of Gain Realized on the Disposition of any Market Discount Bond as Ordinary Income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-21-85.

Drafting attorney: Carol A. Schwartz (202) 566-3297.

Reviewing attorney: Steve R. Glickstein (202) 566-3297.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, 202 566-3297

RIN: 1545–AH82

2468. INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-19-85.

Drafting attorney: Carol A. Schwartz(202) 566-3297.

Reviewing attorney: Alvin J. Kraft (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH75

2469. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1291 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the treatment of shareholders of passive foreign investment companies.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-87

Drafting attorney: Gayle Novig (202) 377-9059.

Reviewing attorney: Tom Fuller (202) 377-9059.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AC06

2470. QEF SHAREHOLDER ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address QEF shareholder election as it applies to section 1295.

Timetable:

Action	Date	FR Cite
NPRM	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-579-88

Drafting Attorney: Joseph S. Henderson (202) 377-9059.

Reviewing Attorney: Thomas D. Fuller (202) 377-9059.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AM41

2471. INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-4-73.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Kathleen Ferrell (202) 566-5911.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-8459**

RIN: 1545–AC37

2472. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-261-82.

Drafting attorney: Stuart G. Wessler (202) 566-6016.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing

attorney: Bryan Wessel (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6016**

RIN: 1545–AE85

2473. INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-264-82.

Drafting attorney: Stuart G. Wessler (202) 566-6016.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6016**

RIN: 1545–AE88

2474. INCOME TAX--APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	09/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-265-82.

Drafting attorney: Judith C. Winkler (202) 377-9665.

Reviewing attorney: William O'Shea (202) 566-3244.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9665**

RIN: 1545–AE90

2475. CROSS-REFERENCE--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374

Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-4696.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-2455**

RIN: 1545–AK93

2476. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would define and interpret special rules contained in Sections 1377 and 1379 of the Internal Revenue Code of 1986, the thereby giving guidance to the public on how the Internal Revenue Service intends to interpret those sections.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-268-82.

Drafting attorney: Eileen M. Shatz (202) 566-3822.

Reviewing attorney: Stuart Wessler (202) 566-6016.

Office of Tax Legislative Counsel Reviewing attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Eileen M. Shatz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3822**

RIN: 1545–AE94

2477. REVISED WITHHOLDING TAX REGULATION TO MODIFY "AS SOON AS PRACTICAL" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will modify a requirement of Treas. Reg. section 1.1441-6(c) regarding the time for filing of Form 1001. Section 1.1441-6(a) provides that the withholding rate shall be reduced as may be provided by a treaty with any country. To secure a reduced treaty withholding rate, subsection (c) of the regulation requires the recipient of the income to file Form 1001 (ownership, exemptions, or reduced rate certificate) with the withholding agent. The regulation further provides that each such Form 1001 filed with any withholding agent shall be filed "as soon as practicable". The "as soon as practicable" requirement will be changed to a narrower and more objective time period.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-685-87

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL19

2478. ● WITHHOLDING OF TAX ON NON-RESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1441

Legal Deadline: None

Abstract: Section 864 (c) (6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: INTL-587-89

Drafting attorney: Carol Tello (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Carol Tello, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AN75

2479. WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the

tax withheld against its U.S. income tax liability or apply for a refund. The notice will be published simultaneously with, and will cross-reference to, temporary regulations dealing with these matters (INTL-938-86). No significant policy issues are involved. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-980-86

Drafting attorney: David Chan (202) 377-9059.

Reviewing attorney: Robert E.Culbertson, Jr. (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AL30

2480. ● REVISION OF REGULATIONS UNDER SECTIONS 1491, 1492, AND 1494

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1491 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986; 26 USC 1494 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of these regulations is to provide guidance to taxpayers regarding both the types of outbound property transfers that are subject to the tax imposed by section 1491 and the types of outbound property transfers that are exempt from the tax by reasons of section 1492.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: INTL-102-89

Drafting attorney: Elizabeth Karzon (202) 566-3160.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3160**

RIN: 1545–AN39

2481. NONTAXABLE TRANSFERS UNDER SECTION 1491

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to exempt transfers of property to foreign partnerships from the excise tax imposed by section 1491, on the condition that gain attributable to the property at the time of transfer is taxed to the transferor when subsequently disposed of by the foreign transferee partnership. The regulations will set forth the necessary conditions and exceptions to the exemption.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-260-88

Drafting attorney: Elizabeth Karzon (202) 566-3160.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Elizabeth Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3160**

RIN: 1545–AL96

2482. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would revise the method of adjusting the basis of stock under section 1.1502-32.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-222-81.

Drafting attorney: David Kessler (202) 566-4551.

Reviewing attorney: John Broadbent (202) 566-3877.

Agency Contact: David Kessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4551**

RIN: 1545–AC47

2483. INCOME TAX--APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-79.

Drafting attorney: Richard E. Coss (202) 566-6212.

Reviewing attorney: Peter G. Lynard (202) 566-6358.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Richard E. Coss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AC55

2484. CROSS-REFERENCE--CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporation acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	03/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AK94

2485. CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revisions of consolidated return regulations under sections 1.1502-14 and 1.1502-31.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-88

Drafting attorney: Robert Eifler (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

13 Income Taxes

Agency Contact: Robert Eifler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AL44

2486. REVISION OF SECTION 1.1502-33

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-88

Drafting attorney: Jerilynn V. Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-3484.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income Tax

Agency Contact: Jerilynn V. Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3877

RIN: 1545–AL60

2487. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF ORGANIZATIONS WHOSE TAX EXEMPT STATUS WAS REPEALED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the tax-exempt status of certain organizations by section 1012 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-026-89

Drafting Attorney: Jean M. Whalen (202) 566-3422.

Reviewing Attorney: Edward S. Cohen (202) 566-3484.

Treasury Attorney: J. Judge Kelley (202) 566-2175.

Income Tax

Agency Contact: Jean Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AM49

2488. PAYMENT OF REFUNDS TO CERTAIN FIDUCIARIES OF INSOLVENT MEMBERS OF AFFILIATED GROUPS

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1502; 26 CFR 6402

Legal Deadline: None

Abstract: The regulations will address in what instances a refund can be paid to the court appointed fiduciary of an insolvent corporation which is a

member of an affiliated group of corporations filing a consolidated return when to the extent, that the Secretary determines the refund is attributable to losses or credits of the insolvent corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-98-88

Drafting attorney: Rose Williams (202) 566-3354.

Reviewing attorney: Lewis Brickates (202) 566-3877.

Treasury attorney: Bryan Collins (202) 566-8277.

Income Taxes

Agency Contact: Rose Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3354**

RIN: 1545–AM74

2489. DUAL RESIDENT COMPANIES-LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a United States corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a United States affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for United States tax purposes, its loss will be of available to offset.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-399-88

Drafting attorney: Shannon M. Votava (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Shannon M. Votava, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AM16

2490. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 1.1504(d)

Legal Deadline: None

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-338-88

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AC58

2491. INCOME TAX -- AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-152-84.

Drafting attorney: Kenneth Cohen (202) 566-3877.

Reviewing attorney: Edward Cohen (202) 566-3484.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Tom Wessel (202) 566-2927.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3877**

RIN: 1545–AH09

2492. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012 (a) Internal Revenue Code of 1986; 26 USC 2012 (c) Internal Revenue Code of 1986; 26 USC 2013 (b) Internal Revenue Code of 1986; 26 USC 2013 (e) (1) Internal Revenue Code of 1986; 26 USC 2014 (b) (2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038 (a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue

TREAS—IRS **Proposed Rule Stage**

Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-212-76.

Drafting attorney: Deborah S. Ryan (202) 535-9511.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Agency Contact: Deborah S. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 535-9511

RIN: 1545–AC60

2493. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-209-81.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Office of the Tax Legislative Counsel (Treasury) reviewing attorney: Robert Weaver (202) 535-6959.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9512

RIN: 1545–AC62

2494. ESTATE TAX - INCLUSION OF ESTATE FREEZES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: Through the use of various transactions taxpayers have been able to "freeze" the value of an enterprise by "transferring" a major portion of the enterprise while retaining managerial rights. Section 2036 (c) requires that an estate include the value of "frozen" enterprises where the transferor in effect transfers future appreciation while retaining present income or managerial rights.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-101-88

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Robert Weaver (202) 535-6959.

Estate and Gift Taxes

Agency Contact: Fred Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9512

RIN: 1545–AM59

2495. ALIEN SPOUSE MARITAL DEDUCTION

Legal Authority: 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2056A Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986; 26 USC 6324 Internal Revenue Code of1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property where the surviving spouse or donee spouse is not a United States citizen. The regulations will prescribe how certain transfers to a qualified domestic trust for the benefit of an alien spouse will qualify for the estate tax marital deduction. The regulations will also describe the manner on which an estate tax is imposed in the case of any principal distribution from a qualified domestic trust before the death of the surviving spouse and upon the value of the property remaining in the trust upon the surviving spouse's death.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-88

Drafting attorney: Susan Hurwitz (202) 566-5983.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Estate and Gift Taxes

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-5983

RIN: 1545–AM85

TREAS—IRS

Proposed Rule Stage

2496. ESTATE TAX-GENERATION-SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules relating to certain definitions, the allocation of the transferor's GST exemption, and the determination of inclusion ratio.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-73-88

Drafting attorney: John B. Franklin (202) 535-9540.

Reviewing attorney: Fred Grundeman (202) 535-9512.

Treasury attorney: Robert Weaver (202) 535-6959.

13 Estate and Gift Tax

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9540**

RIN: 1545–AL75

2497. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-38-88.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-6650.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AF91

2498. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-142-87.

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AF97

2499. EMPLOYMENT TAX--WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6047 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-115-82.

Drafting attorney: Gregory Stull (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Gregory Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AE98

2500. WITHHOLDING ON CERTAIN DEFERRED PAYMENTS OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 (d) (13) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: The regulation will provide questions and answers dealing with circumstances under which an election for no withholding on employer deferred compensation plan payments may not be made.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-956-86.

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AL31

2501. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-224-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Treasury attorney: Andre Dubroff (202) 566-4921.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AE20

2502. EXCISE TAX--COLLECTION OF EXCISE TAX IMPOSED ON THE SALE OR REMOVAL OF GASOLINE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide rules relating to excise tax imposed on the sale or removal of gasoline. The regulations will also provide procedural requirements for any required registration and bonding, and obtaining applicable refunds or credits relating to the excise tax.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44141
Hearing	01/05/88	
NPRM - withdrew one paragraph of 11/18/87 NPRM	09/27/88	53 FR 37950
NPRM	10/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

PS-115-86.

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-4077.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AJ09

2503. MODIFICATION OF THE GASAHOL REGULATIONS TO INCREASE THE TOLERANCE ALLOWED TO THE 10 PERCENT ALCOHOL MIXTURE AND TO CLARIFY THE LATER BLENDING RULES

Legal Authority: 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will modify the tolerance allowed for the alcohol to gasoline ratio in gasahol and will clarify the later blending rules with regard to incidental dilution of gasahol at retail outlets.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-093-88

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4077

RIN: 1545–AM86

2504. EXCISE TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides guidance on the collection of diesel fuel excise tax under the Revenue Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-3-88

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-2567.

Treasury attorney: Ellen Aprill (202) 566-5453.

13 Excise Taxes

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4475**

RIN: 1545–AL43

2505. GASOLINE EXCISE TAX BOND REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of l986; 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the bond requirement under section 4101 as it pertains to gasoline excise tax.

Timetable:

Action	Date	FR Cite
NPRM	09/27/88	53 FR 37590
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-77-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Consitution Ave., N.W., Washington, D.C. 20224, **202 566-4475**

RIN: 1545–AM32

2506. REVISION OF SECTION 48.4181-1(A)(2) OF THE MANUFACTURERS AND RETAILERS EXCISE TAX REGULATIONS RELATING TO THE TAX ON FIREARM PARTS AND ACCESSORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulation will clarify the meaning of the terms "complete firearm" and "parts or accessories of firearms"

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-69-88

Drafting attorney: Donald Fidlow (202) 566-3904.

Reviewing attorney: Richard Kocak (202) 566-3434

13 Excise Tax

Agency Contact: Donald Fidlow, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3904**

RIN: 1545–AL72

2507. INCOME TAX, EXCISE TAX, AND ENVIRONMENTAL TAX--IMPOSITION OF TAXES ON PETROLEUM, CERTAIN CHEMICALS, AND CORPORATIONS AND ADDITIONAL EXCISE TAXES ON CERTAIN FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4042 Internal Revenue Code of 1986; 26 USC 4091 Internal Revenue Code of 1986; 26 USC 4092 Internal Revenue Code of 1986; 26 USC 4093 Internal Revenue Code of 1986; 26 USC 6421 Internal Revenue Code of 1986; 26 USC 6427 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 48; 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental taxes on petroleum, certain chemicals, and additional excise taxes on certain fuels. The regulations will also provide rules for the computation of the environmental tax imposed on the modified alternative minimum taxable income of corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-158-86.

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-4902.

Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4475**

RIN: 1545–AJ23

2508. TAX ON CERTAIN IMPORTED SUBSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4671 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental tax on certain imported chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	07/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-71-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-4902.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4475**

RIN: 1545–AL73

2509. INCOME TAX--EXCISE TAX--PROCEDURE AND ADMINISTRATION--VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-76-84.

Drafting attorney: V. A. Moore (202) 566-4503.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4503**

RIN: 1545–AG18

2510. EXCISE TAX -- PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-165-86

Drafting attorney: Vernon Carter (202) 566-3539.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3539**

RIN: 1545–AI82

2511. ELECTRONIC FILING OF TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-21-87

Drafting attorney: Celia Gabrysh (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Celia A. Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6320**

RIN: 1545–AL01

2512. AMENDMENT OF SECTION 1.6033-2 (G) (5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section l.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-41-86.

Drafting attorney: V.A. Moore (202) 566-4503.

Reviewing attorney: Paul Accettura (202) 566-6478.

Agency Contact: V.A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4503**

RIN: 1545–AI52

2513. INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 foreign controlled foreign corporations doing business in the US and foreign controlled US corporations are required to report transactions with related foreign corporations. The 86 Act requires such entities to report transactions with all related foreign parties, whether or not corporations. The Act also provides a new definition for the term related parties, and requires information necessary to carry out the installment sales rules, as amended by such Act, to also be reported.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-958-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ56

2514. PROCEDURE ON CERTAIN FRINGE BENEFITS PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-3251.

Reviewing attorney: Harry Beker (202) 566-3251.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3251**

RIN: 1545–AI22

2515. INFORMATION REGARDING RESIDENT STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-978-86

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ93

2516. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 7805; 26 CFR 6045

Legal Deadline: None

Abstract: This regulation would provide additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: IA-94-88

Drafting Attorney: Arthur E. Davis III (202) 377-9581

Reviewing Attorney: David L. Crawford (202) 377-9590

Treasury Attorney: J. Judge Kelley (202) 566-2175

Income Tax

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AM38

2517. INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-879-86

Drafting attorney: Robert A. Walker (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-5992.

13 Income Taxes.

Agency Contact: Robert A. Walker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AK75

2518. REPORTING OF PLAN DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: Legislative changes require that increased numbers of retirees and plan participants must make complex calculations of the taxable amount of distributions they receive from qualified

plans. The regulations will require the payor of a qualified plan distribution (or the plan administrator) to calculate the taxable amount and to report it on the appropriate information return.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-29-88

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AL54

2519. INCOME TAX--TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would amend existing regulations to require issuers to furnish the issue price to brokers.

Timetable:

Action	Date	FR Cite
NPRM	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-63-87

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D. C. 20224, 202 566-3458

RIN: 1545–AK36

2520. ● AMEND AGGREGATION RULES FOR FILING REQUIREMENT

Legal Authority: 26 USC 6050I Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6050I-1(b)(1)

Legal Deadline: None

Abstract: An amendment to the regulation is necessary as the result of a policy decision to revise Form 8300.

Timetable:

Action	Date	FR Cite
NPRM	11/17/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-041-89

Drafting attorney: Philip Scott (202) 566-3826.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Philip Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3826

RIN: 1545–AN42

2521. ● IRC SECTION 6051

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6051 Internal Revenue Code of 1986

CFR Citation: 26 CFR 6051

Legal Deadline: None

Abstract: Project will modify existing regulations to require employers who terminate their business or otherwise cease operations to file Forms W-2 and W-3 within 30 calendar days after termination.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-005-89

Drafting Attorney: Janet Lloyd (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Janet Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AN57

2522. TREASURY-BASED RETURN POSITIONS; FAILURE TO DISCLOSE TREATY-BASED RETURN POSITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6114 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Notice of proposed rulemaking to regulations that will provide guidance to taxpayers concerning compliance with the treaty-based return position disclosure requirements of section 6114 which was added to the code by TAMRA.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-361-89

Drafting attorney: David Bergkuist (202) 566-3872.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

Income Taxes

Agency Contact: David Bergkuist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3872

RIN: 1545–AM87

2523. AGREEMENTS FOR PAYMENT FOR TAX LIABILITY IN INSTALLMENTS

Legal Authority: 26 USC 6159 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6159

Legal Deadline: None

Abstract: Prior law did not address the authority of the Internal Revenue Service to enter into installment payment agreements with taxpayers. New code section 6159, as added by the Technical and Miscellaneous Revenue

Act of 1988, authorizes such agreements and specifies the circumstances under which the Service may modify or terminate such an agreement and when the Service must provide prior notice of a determination to modify or terminate an agreement. New regulations implementing section 6159 will be drafted in order to provide taxpayers and the Service specific guidance on the requirements and responsibilities imposed by this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-708-88

Drafting attorney: Mitchel Hyman (202) 535-9682.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9682**

RIN: 1545–AM66

2524. ESTATE TAX--PROCEDURE AND ADMINISTRATION--DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-210-76.

Drafting attorney: Donald W. Kanuk (202) 566-3862.

Reviewing attorney: Vincent G. Cardella (202) 566-4425.

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3862**

RIN: 1545–AD23

2525. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-269-82.

Drafting attorney: William J. Gregg (202) 377-9470.

Reviewing attorney: Dianna K. Miosi (202) 566-4070.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-5453

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9470**

RIN: 1545–AE96

2526. ● RAILROAD UNEMPLOYMENT REPAYMENT TAX

Legal Authority: 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The new regulations will restore the authority of the Service to require quarterly payments of the Railroad Unemployment Repayment Tax. The authority was inadvertently eliminated under section 7106 of TAMRA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: EE-001-89

Drafting Attorney: Thomas Wolf (202) 566-3505.

Reviewing Attorney: Phil Corn (202) 566-3505.

Agency Contact: Thomas Wolf, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3505**

RIN: 1545–AN40

2527. PROCEDURE AND ADMINISTRATION REGULATIONS--PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such

instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-549-87.

Drafting attorney: Nancy O. Ryan (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Agency Contact: Nancy O. Ryan, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9678

RIN: 1545–AI24

2528. NOTICE OF LIEN ON PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6323 (f)(1)(ii),(Revision); 26 CFR 1.6323 (f)(5)

Legal Deadline: None

Abstract: The purpose of these regulations is to solve the problem that arose in the case of United States v. Air Florida, Inc. 56 B.R. 732 (S.D. Fla. 1985). The regulations will provide that if a state has adopted a Federal law establishing a place for the filing of liens under a national filing system, the state is not considered to have a second office for filing of the notice of lien. The regulations will also provide that the filing of a notice of Federal tax lien is governed solely by the Internal Revenue Code and is not subject to any other Federal law establishing a national filing system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-719-88

Drafting attorney: Holly J. Wilson (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Holly J. Wilson, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9678

RIN: 1545–AM64

2529. PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 535-9684.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9684

RIN: 1545–AE82

2530. EFFECT OF HONORING A LEVY

Legal Authority: 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6332-1(c)

Legal Deadline: None

Abstract: Section 1.6332-1(c) currently provides that any person in possession of or obligated with respect to property or rights to property subject to levy and upon which levy has been made who surrenders the property or rights to property, or discharges the obligation to the district director is discharged from any obligation or liability to the delinquent taxpayer. Section 1015(t) of Technical and Miscellaneous Revenue Act of 1988 amends Section 6332 of the Internal Revenue Code to provide that a person who honors a levy is protected from any obligation or liability to any other person as well as the delinquent taxpayer. This should cause a reduction in the number of interpleader actions filed because of concerns over liability to third parties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: GL-720-88

Drafting attorney: Charles E. Samuel (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Charles E. Samuel, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9678

RIN: 1545–AM72

TREAS—IRS

Proposed Rule Stage

2531. ● REQUIREMENT FOR GUARANTEED REMITTANCE TO REDEEM PROPERTY

Legal Authority: 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: To resolve any uncertainty as to how payments to redeem real property sold by the Internal Revenue Service after levy must be made. The present regulations do not state the form in which the redemption price is to be paid. Thus, controversy exists as to whether personal checks or other non-guaranteed forms of payment would be sufficient to constitute tender.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-425-89

Drafting attorney: Jerome D. Sekula (202) 566-3943.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Jerome D. Sekula, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3943

RIN: 1545–AN44

2532. GASOLINE EXCISE TAX DEFINITIONS, NOTIFICATION OF REGISTRATION REQUIREMENTS, AND SECTION 6416 PROCEDURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 6416 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the gasoline excise tax definition of trader, notification of registration verification procedures required for tax-free or reduced rate of transfers of gasoline, and additional requirements under section 6416 claims.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-11-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AL69

2533. DIFFERENTIAL INTEREST RATES AND EXPANDED CREDITING OF OVERPAYMENTS AGAINST UNDERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-123-86

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AK06

2534. PROCEDURE & ADMINISTRATION--ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-272-81.

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AD39

2535. USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6695-1 (b)

Legal Deadline: None

Abstract: Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must

manually sign returns or claims for refund signed by them. The exception does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

GL-238-88

Drafting attorney: Nancy O. Ryan (202) 535-9678.

Reviewing attorney: Robert A. Miller (202) 566-3117.

13 Procedure and Administration

Agency Contact: Nancy O. Ryan, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9678**

RIN: 1545–AL49

2536. INCOME TAX--PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6867

Legal Deadline: None

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-548-87.

Drafting attorney: John C. Isaacs (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: John C. Isaacs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3780**

RIN: 1545–AE30

2537. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-550-87

Drafting attorney: Richard Preston (202) 566-3780.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Richard Preston, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3780**

RIN: 1545–AK24

2538. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425 - EXCESS EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses with 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully satisfied and released, and all surplus funds returned to the taxpayer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-520-87

Drafting attorney: Barton J. Uze (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

13 Procedure and Administration

Agency Contact: Barton J. Uze, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., NW, Washington, D.C. 20224, 202 535-9682

RIN: 1545–AL20

2539. REVIEW OF JEOPARDY LEVY AND ASSESSMENT PROCEDURES

Legal Authority: 26 USC 7429 Internal Revenue Code of 1986 PL 100-647, Sec 6237; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7429

Legal Deadline: None

Abstract: Section 7429 currently provides for administrative and judicial review of jeopardy assessments, but these review procedures do not apply to jeopardy levies. The Technical and Miscellaneous Revenue Act of 1988, PL 100-647, Sec. 6237, extends the review procedures of Section 7429 to the review of jeopardy levies and provides concurrent jurisdiction to the Tax Court with Federal District courts with respect to actions challenging a jeopardy assessment or jeopardy levy, provided a Tax Court petition is filed prior to the making of the assessment or levy. We are examining whether any regulations need to be promulgated under the statutory amendment. In particular, we are examining whether any procedural guidelines for the filing of actions in the Tax Court are needed by means of regulations, or whether revision to Tax Court rules is more appropriate. We are also examining whether the revised review procedures contain any ambiguity for which clarification by way of regulation would be helpful.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-710-88

Drafting attorney: John C. Isaacs (202) 566-3780.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: John C. Isaacs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3780

RIN: 1545–AM68

2540. CIVIL DAMAGES FOR FAILURE TO RELEASE LIEN

Legal Authority: PL 100-647, Sec 6240; 26 USC 7432

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The new section 7432 grants taxpayers the right to bring a cause of action for damages in Federal District court if any officer or employee of the Internal Revenue Service knowingly or negligently fails to release a lien under section 6325 on property of the taxpayer. Damages will not be awarded for failure to release a lien unless the court determines that the taxpayer has exhausted all administrative remedies within the Internal Revenue Service. The Secretary must provide by regulations a reasonable procedure for the taxpayer to notify the Service of a failure to release a lien on property of the taxpayer. Currently, we are considering regulations that will provide procedures for a taxpayer to notify the Service of a failure to release a lien and procedures for administrative exhaustion of remedies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-706-88

Drafting attorney: Kevin B. Connelly (202) 535-9684.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Kevin B. Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9684

RIN: 1545–AM63

2541. CIVIL CAUSES OF ACTION FOR DAMAGES SUSTAINED DUE TO CERTAIN UNAUTHORIZED ACTIONS BY I.R.S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6241; 26 USC 7433

CFR Citation: 26 CFR 1.7433

Legal Deadline: None

Abstract: PL 100-647, Sec 6241, adds a new section 7433 to the Internal Revenue Code. This provision allows taxpayers to sue the Internal Revenue Service to recover economic damages if a Service employee, in connection with the collection of a tax, recklessly or intentionally disregards any provision of the Code or regulations. The new implementing regulation will establish administrative remedies for taxpayers to meet the statutory requirement that administrative remedies be exhausted prior to a court award of damages. The regulation will also outline what steps taxpayers should take to satisfy the statutory requirement that they mitigate their damages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-707-88

Drafting attorney: Miriam A. Howe (202) 566-3780.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Miriam A. Howe, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 ConstitutionAvenue, N.W., Washington, D.C. 20224, 202 566-3780

RIN: 1545–AM65

2542. ESTATE AND GIFT TAX VALUATION TABLES

Legal Authority: 26 USC 7520 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7520; 26 CFR 1.642, (Revision); 26 CFR 1.664, (Revision); 26 CFR 20.2031, (Revision); 26 CFR 25.2512, (Revision)

Legal Deadline: None

Abstract: Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Revenue Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables, revised periodically and the applicable Federal interest rate for the month of the valuation of the interest. The regulations will address the use of the tables, which will be published separately, and will contain rules for making an election where charitable transfers are involved. It will also include rules for rounding the applicable interest rates. In addition, the regulations will modify the current regulations for gift, estate, and charitable transfers of annuity trusts, and unitrusts and pooled income funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-100-88

Drafting attorney: William L. Blodgett (202) 377-9661.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Unknown

Procedure Involving Taxpayer Interviews

Agency Contact: William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9661**

RIN: 1545–AM81

2543. PROCEDURES INVOLVING TAXPAYER INTERVIEWS (TIME AND PLACE OF EXAMINATION)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7605 Internal Revenue Code of 1986; PL 100-647, Sec 6228 Taxpayer Bill of Rights 102 Stat. 3342

CFR Citation: 26 CFR 301.7605-1(a), (Revision)

Legal Deadline: NPRM, Statutory, November 10, 1989. Final, Statutory, November 10, 1992.

Abstract: Section 7605(a) of the Internal Revenue Code, 26 USC 7605(a), and section 301.7605-1(a) of the regulations currently provide the time and place of an examination shall be fixed by an officer or employee of the Internal Revenue Service and shall be reasonable under the circumstances. No regulations have been promulgated elaborating on this provision. The Taxpayer Bill of Rights requires the publication within one year of regulations enumerating standards for determining whether the selection of a time and place for interviewing a taxpayer is reasonable. These regulations are to provide that if it is generally not reasonable for the IRS to require a taxpayer to attend an examination at an IRS office within the assigned district other than the office located closest to the taxpayer's home. They will also provide it is generally not reasonable for the IRS to audit a taxpayer at his or her place of business if the business is so small that doing so will essentially require the taxpayer to close his business.

Timetable:

Action	Date	FR Cite
NPRM	11/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-705-88

Drafting attorney: Nancy O. Ryan (202) 535-9678.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Nancy O. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9678**

RIN: 1545–AM69

2544. PROCEDURE AND ADMINISTRATION - SUSPENSION OF STATUTES OF LIMITATIONS IN ABSENCE OF THIRD-PARTY RECORDKEEPER RESPONSE TO SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 7609 by the Tax Reform Act of 1986. Under those changes, statutes of limitations are suspended in certain cases in which a summons is served to a third-party recordkeeper and in which there is no resolution of the third- party recordkeeper's response to the summons.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-521-87

Drafting attorney: Mitchel S. Hyman (202) 535-9682.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9682**

RIN: 1545–AK72

2545. EXTENSION OF STATUTE OF LIMITATIONS IN JOHN DOE SUMMONS DISPUTES

Legal Authority: 26 USC 7609 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7609

Legal Deadline: None

Abstract: Under prior law the statute of limitations was suspended under IRC section 7609(e)(2) only where summonses were served on third-party recordkeepers as defined in IRC section 7609(a)(3). Section 7609(e)(2) was amended by the Technical and Miscellaneous Revenue Act of 1988 so that the suspension applies to all John Doe summonses, whether or not the summoned party is a third-party recordkeeper as defined in IRC section 7609(a)(3). The new regulations will make minor changes to 26 CFR 301.7609 to conform with the 1988 Amendments.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-723-88

Drafting attorney: Mitchel Hyman (202) 535-9682.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9682**

RIN: 1545–AM67

2546. COVER OVER OF INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of federal personnel while bona fide residents of specified possessions, must be covered into the Treasury of the Treasury of the specified possession of which such individuals are bona fide residents.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86

Drafting attorney: John J. Brady (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: John J. Brady, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL18

2547. DEFINITION OF LIFE INSURANCE CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules to define a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-107-87

Drafting attorney: Katherine Lee Wambsgans (202) 566-3740.

Reviewing attorney: Stephen D. Hooe (202) 566-3803.

13 Income Taxes

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3740**

RIN: 1545–AL08

2548. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide rules relating to the classification of publicly traded partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-13-88

Drafting attorney: Stuart G. Wessler (202) 566-6016.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Office of Tax Legislative Counsel Reviewing attorney: Barksdale Penick (202) 566-5453.

13 Procedure and Administration

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6016**

RIN: 1545–AL57

2549. THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5h.6

Legal Deadline: None

Abstract: This document contains regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-9-89

Drafting attorney: Grace Matuszeski (202) 343-2382.

Reviewing attorney: John Fischer (202) 566-8131.

Administration and Procedures

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 343-2382**

RIN: 1545–AN03

2550. ● 50 % EXCISE TAX ON ANY GAIN REALIZED BY PERSON WHO RECEIVES "GREENMAIL"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986

CFR Citation: 26 CFR 155, (New); 26 CFR 602

TREAS—IRS **Proposed Rule Stage**

Legal Deadline: None

Abstract: Proposed regulations relating to the manner and method of reporting and paying the nondeductible 50 % Excise Tax imposed with respect to the receipt of "Greenmail"

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-021-89

Drafting Attorney: Warren Joseph (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-3889.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Warren Joseph, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AN41

2551. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-85-85.

Drafting attorney: William A. Galanko (202) 566-4104.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: William A. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4104**

RIN: 1545–AH99

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Final Rule Stage

2552. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-245-84.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3340**

RIN: 1545–AH06

2553. INCOME TAX--INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-114-85.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney Elliot Stern (202) 566-2926.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3340**

RIN: 1545–AI39

TREAS—IRS

Final Rule Stage

2554. ● ALCOHOL CREDIT FOR ETBE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.40-1T

Legal Deadline: None

Abstract: This regulation explains mixtures for which credit is available.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-047-89

Drafting attorney: Frank K. Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4475**

RIN: 1545–AN72

2555. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide low-income housing credit allocation and reporting rules.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Hearing	11/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-83-86

Drafting attorney: Donna Young (202) 566-6898.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Andy Dubroff (202) 535-6966.

Agency Contact: Donna Young, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-6898**

RIN: 1545–AJ65

2556. CLARIFICATION OF DETERMINATION OF BAD DEBT EXPERIENCE UNDER NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This NPRM cross-references to temporary regulations clarifying the determination of bad debt experience under the nonaccrual-experience method of accounting under IRC section 448(d)(5).

Timetable:

Action	Date	FR Cite
NPRM	04/15/88	53 FR 12534
Hearing	12/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: IA-26-88

Drafting attorney: James A. Orefice (202) 566-3637

Reviewing attorney: Cynthia Clark (202) 566-6302

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3637**

RIN: 1545–AK92

2557. LOW-INCOME HOUSING CREDIT FOR FEDERALLY-ASSISTED BUILDINGS ACQUIRED DURING 10-YEAR PERIOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for Federally-assisted buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42098
NPRM Comment Period End	01/04/88	52 FR 42098
Hearing	03/17/88	53 FR 2605

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-62-87

Drafting attorney: Susan Reaman (202) 566-4537.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Andrew Dubroff (202) 535-6966.

Agency Contact: Susan Reaman, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4537**

RIN: 1545–AL05

2558. LOW INCOME HOUSING CREDIT RECAPTURE RULE

Legal Authority: 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance with respect to the recapture requirements of section

42(j)for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-108-87

Drafting attorney: Christopher J. Wilson (202) 786-8220.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Andrew Dubroff (202) 535-6966.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 786-8220**

RIN: 1545–AL12

2559. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35438
NPRM Comment Period End	11/20/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-183-82.

Drafting attorney: Patrick T. McGroarty (202) 566-6321.

Reviewing attorney: James Ranson (202) 566-4944.

Agency Contact: Patrick T. McGroarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6321**

RIN: 1545–AF06

2560. INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (l) Internal Revenue Code of 1986; PL 96-223, Sec 223 (c)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-176-80.

Drafting attorney: Winston H. Douglas (202) 786-7340.

Reviewing attorney: William J. Dwyer (202) 566-6511.

Energy Credit

Agency Contact: Winston H. Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 786-7340**

RIN: 1545–AA26

2561. BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for computing the Alternative Minimum Tax Book Income Adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15234
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-55-87

Drafting attorney: Nicholas G. Bogos (202) 566-3862.

Reviewing attorney: William Galanko (202) 566-4104.

Treasury attorney: Marc Levy (202) 535-4902.

International Tax Counsel Reviewing attorney: Peter Daub (202) 566-5791.

Agency Contact: Nicholas G. Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3862**

RIN: 1545–AK23

2562. INCOME TAX--INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustment for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-84-87

Drafting Attorney: Edward C. Schwartz (202) 566-3861.

Reviewing Attorney: William Jackson (202) 566-4196.

Treasury Attorney: Mark Levy (202) 566-4029.

Agency Contact: Edward C. Schwartz, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3861

RIN: 1545–AL03

2563. ● ADJUSTED CURRENT EARNINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.56

Legal Deadline: None

Abstract: Determination of adjusted current earnings of corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-029-89

Drafting attorney : Nicholas G. Bogos (202) 566-3862.

Reviewing attorney: William A. Galanko (202) 566-4104.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Nicholas G. Bogos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3862

RIN: 1545–AN24

2564. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19409
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-56-87

Drafting attorney: Forest R. Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Forest R. Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AK20

2565. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	03/28/88	53 FR 9951
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: George B. Baker (202) 566-9292.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3980

RIN: 1545–AJ49

2566. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34528
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-153-84.

Drafting attorney: Stephen J. Toomey (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Steve Toomey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AI49

2567. EXTENSION OF SECTION 79 UNIFORM PREMIUM TABLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations extend the present uniform premium table for employees over 65 years of age.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/31/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-89-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4465

RIN: 1545–AM96

2568. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation. Also, these regulations will provide additional guidance for cafeteria plans under section 125.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9460
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: EE-130-86

Drafting attorney: Munroe/Zech (202) 566-3251.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: David Munroe/Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AI78

2569. INCOME TAX REGULATIONS--MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101 (d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will prescribe the mortality table to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35447
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-135-86

Drafting attorney: Barry S. Landau (202) 566-3458.

Reviewing attorney: William T. Sullivan (202) 566-3458.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Barry S. Landau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK14

2570. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Hearing	01/30/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-190-78.

Drafting attorney: Hervey H. Kornegay (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: Hervey H. Kornegay, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AA49

2571. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-59-74.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W, Washington, D C 20224, 202 566-4545

RIN: 1545–AA56

2572. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules which interpret the provisions of section 103A, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-10-81.

Drafting attorney: Suzanne Reynolds (202) 566-4310.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4310

RIN: 1545–AA63

2573. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51414
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-255-82.

Drafting attorney: Dianne O. Umberger (202) 566-4336.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

13 Income Tax

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE18

2574. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)--RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-221-82.

Drafting attorney: Eric E. Boody (202) 566-4336.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE24

TREAS—IRS **Final Rule Stage**

2575. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-157-84.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern(202) 566-2926.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4545**

RIN: 1545–AH19

2576. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-269-84.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2566.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AH68

2577. ● CLARIFICATION REGARDING THE CONCLUSIVENESS OF THE CERTIFICATION UNDER SECTION 1.103-13(A)(2) OF THE INCOME TAX REGULATIONS

Legal Authority: 26 USC 103 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: This regulation clarifies the extent to which a certification is conclusive as to the reasonable expectations of the issuer under section 1.103-13 (a) (2) of the Income Tax Regulations, when the issuer either certifies in bad faith or takes subsequent and deliberate actions to produce arbitrage.

Timetable:

Action	Date	FR Cite
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-031-89

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3347**

RIN: 1545–AN08

2578. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 116 Internal Revenue Code of 1986 PL 96-223, Sec 404

CFR Citation: 26 CFR 116

Legal Deadline: None

Abstract: This regulations project is necessary to conform the regulations relating to section 116 of the Internal Revenue Code of 1986 to amendments to section 404 made by the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. This regulation will provide guidance to individuals who administer section 116 and taxpayers who are subject to and must comply with these sections of the code. Section 116 relates to the partial exclusion of dividends and interest received by individuals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-80

Drafting attorney: Donald W. Kanuk (202) 566-3862.

Reviewing attorney: William Galanko (202) 566-4104.

Income Tax

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3862**

RIN: 1545–AM73

TREAS—IRS

Final Rule Stage

2579. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21688
Final Action	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-3-87

Drafting Attorney: Michael Schmit (202) 566-3826.

Reviewing Attorney: William Galanko (202) 566-3862.

Treasury Attorney: Kathleen Ferrell (202) 566-5911.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, N.W., Washington, DC 20224, **202 566-3826**

RIN: 1545–AJ87

2580. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	03/11/85	
NPRM	03/07/89	54 FR 9500
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3251**

RIN: 1545–AD63

2581. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-222-78.

Drafting attorney: Brenda M. Stewart (202) 566-4919.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: Brenda M. Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4919**

RIN: 1545–AA73

2582. INCOME TAX--PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-83.

Drafting attorney: Victoria J. Driscoll (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: Victoria J. Driscoll, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3637**

RIN: 1545–AF52

2583. INCOME TAX--STUDENT LOAN BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (b) Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to issuers of tax-exempt student loan bonds.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	07/05/89	54 FR 28075
ANPRM Comment Period End	09/05/89	54 FR 28075

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-80-86.

Drafting attorney: Elliott Stern (202) 566-2566.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: George F. Delduke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3347**

RIN: 1545–AJ42

2584. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to Arbitrage restrictions on Tax-Exempt Bonds.

Timetable:

Action	Date	FR Cite
NPRM	05/15/89	54 FR 20861
NPRM Comment Period End	09/14/89	54 FR 20861

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: FI-91-86

Drafting attorney: Elliott Stern (202) 566-2926.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliott Stern (202) 566-2926.

Agency Contact: George Delduke, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-4545**

RIN: 1545–AJ67

2585. ● SUBSEQUENT INTENTIONAL ACTS TO EARN ARBITRAGE AND THE REASONABLE EXPECTATIONS TEST FOR ARBITRAGE BONDS

Legal Authority: 26 USC 148 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-13

Legal Deadline: None

Abstract: The proposed regulations provide that if subsequent intentional acts are taken after the date of issue to earn arbitrage, the reasonable expectations test does not prevent a bond from being declared an arbitrage bond.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-044-89

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Mike Montemurro (202) 566-4085.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3347**

RIN: 1545–AN69

2586. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7408
NPRM Comment Period End	05/11/87	52 FR 7408
Hearing	06/26/87	
Final Action	10/01/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-146-86

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-4336**

RIN: 1545–AJ63

2587. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106 (b) Internal Revenue Code of 1986; 26 USC 162 (i) (2) Internal Revenue Code of 1986; 26 USC 162 (k) Internal Revenue Code of 1986; 26 USC 4980B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Hearing	11/04/87	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-143-86

Drafting attorney: Mark Schwimmer (202) 566-3155.

Review attorney: Norman Paul (202) 566-4741.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3155**

RIN: 1545–AI93

2588. INCOME TAX REGULATIONS--LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-137-86

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: John Fischer (202) 566-8131.

Treasury Attorney: Adam Handler (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AK17

2589. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules regarding deductibility of interest on pass-through certificates when certificates are held by nominees.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17960
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INTL-905-87

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AM22

2590. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Publication of section 1.163-5T inadvertently deleted 12/19/86, dealing with deductibility of interest on pass-through certificates.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17959
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-990-86

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AM23

2591. INCOME TAX REGULATIONS--TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-147-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AG57

2592. NORMALIZATION REQUIREMENTS FOR PUBLIC UTILITY PROPERTY: INCONSISTENT PROCEDURES AND ADJUSTMENTS

Legal Authority: 26 USC 168 (i)(9)(B)(iii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 167; 26 CFR 168

TREAS—IRS **Final Rule Stage**

Legal Deadline: None

Abstract: Regulation will provide guidance as to the proper application of the normalization requirements for public utilities filing consolidated income tax returns. Regulation will prescribe the extent to which adjustments and procedures that reduce a utility's ratemaking tax expense to reflect the tax losses of nonregulated affiliated companies will be treated as inconsistent with the normalization rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-107-88

Drafting attorney: Martin Schaffer (202) 566-6589.

Reviewing attorney: Noel Sheehan (202) 566-4819.

Treasury attorney: Robert Scarborough (202) 566-2928.

Income Taxes

Agency Contact: Martin Schaffer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6589**

RIN: 1545–AM60

2593. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57 (a) (12) Internal Revenue Code of 1954; 26 USC 312 (k) Internal Revenue Code of 1954; 26 USC 172 (b) Internal Revenue Code of 1954; 26 USC 812 (b) Internal Revenue Code of 1954; 26 USC 46 (b) Internal Revenue Code of 1954; 26 USC 53 (c) Internal Revenue Code of 1954; 26 USC 381 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the accelerated cost recovery scheme. This cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-185-81.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-6511.

Treasury attorney: Barksdale Penick (202) 566-5453.

Accelerated Cost Recovery System.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3292**

RIN: 1545–AA87

2594. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	
Final Action	12/01/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-31-85.

Drafting attorney: Edward C. Schwartz (202) 566-3861.

Reviewing attorney: William Galanko (202) 566-4104.

Treasury attorney: Adam Handler (202) 535-6964.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3861**

RIN: 1545–AH76

2595. DEDUCTIONS IN EXCESS OF $5000 CLAIMED BY A SUBCHAPTER C CORPORATION FOR CHARITABLE CONTRIBUTIONS OF CERTAIN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170 (a) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide substantiation requirements with which subchapter C corporations must comply in order to take deductions for charitable contributions of certain property.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16156
Hearing	09/23/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-87

Drafting attorney: Stuart Spielman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: A.L. Spitzer (202) 566-5911.

13 Income Tax

Agency Contact: Stuart Spielman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3980**

RIN: 1545–AL09

2596. DEFINITION OF RESEARCH AND EXPERIMENTAL EXPENDITURES UNDER SECTION 174 OF THE CODE

Legal Authority: 26 USC 7805(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.174-2; 26 CFR 1.41

Legal Deadline: None

Abstract: The regulations clarify the definition of "research and experimental expenditures" under section 174 of the Internal Revenue Code. The regulations also clarify the definition of "research and experimental expenditures" for purposes of section 41 of the Code, because section 41 relies on the definition of that item in section 174.

Timetable:

Action	Date	FR Cite
NPRM	05/17/89	54 FR 21224
NPRM Comment Period End	07/17/89	
Final Action	12/25/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-002-89

Drafting attorney: David Haglund (202) 377-9851.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Evelyn Brody (202) 535-6959.

Research and Experimental Expenditures

Agency Contact: David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4821**

RIN: 1545–AM92

2597. PROVISIONS RELATING TO COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for determining a tenant-stockholder's proportionate share of taxes or interest in the case where the cooperative housing corporation has made the election provided in section 216 (b) (3) (B) of the Code. These regulations also provide rules for determining whether a deduction claimed by a tenant-stockholder should be disallowed as more proper allocable to the corporation's capital account.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19312

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-86.

Drafting attorney: David L. Click (202) 566-4821.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: David L. Click, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4821**

RIN: 1545–AJ96

2598. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404 (h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3050**

RIN: 1545–AD59

2599. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS

Final Rule Stage

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3050**

RIN: 1545–AD66

2600. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10118
NPRM Comment Period End	05/29/87	
Hearing	12/07/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-168-86.

Drafting attorney: Ellen McElroy (202) 566-3731.

Reviewing attorney: Paulette C. Galanko (202) 566-3802.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Ellen McElroy, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3731**

RIN: 1545–AK05

2601. TEMPORARY REGULATION--CAPITALIZATION OF INTEREST EXPENSE RELATING TO PRODUCTION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 263A(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-120-86.

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: John Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 566-2175.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3024**

RIN: 1545–AK03

2602. ● LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0267 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The primary purpose of this project is to provide final regulations under section 267 of the Internal Revenue Code concerning the deferral and restoration of loss on the intercompany sale of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-023-89

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: James L. Dahlberg (202) 566-3255.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3367**

RIN: 1545–AN19

2603. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-188-82.

Drafting attorney: Paul Horrell (202) 566-2457.

Reviewing attorney: Nelson Crouch (202) 566-3651.

Agency Contact: Paul Horrell, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-2457**

RIN: 1545–AF11

2604. ● EMPLOYEE ACHIEVEMENT AWARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 74 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 274; 26 CFR 74; 26 CFR 102

Legal Deadline: None

Abstract: Final regulations concerning employee achievement awards. Specific guidance concerning the phrase "tangible personal property".

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	54 FR 627
Public Hearing on Prop. Regs.	06/02/89	54 FR 18117

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-006-89

Drafting Attorney: Janet Lloyd (202) 566-4747.

Reviewing Attorney: Jerry Holmes (202) 566-4747.

Treasury Attorney: J. Judge Kelley (202) 566-8527.

Agency Contact: Janet Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AN56

2605. INCOME TAX--SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898
Final Action	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-140-86.

Drafting Attorney: Joel Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-4430**

RIN: 1545–AJ40

2606. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	03/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-261-76.

Drafting Attorney: Joel S. Rutstein (202) 566-4430.

Reviewing Attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AB09

2607. ● LIMITATION OF DEDUCTIONS ON PASSENGER AUTOMOBILES AND OTHER LISTED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the Investment Tax Credit (if any) and Cost Recovery deductions allowable with respect to passenger automobiles and certain other "listed property".

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: PS-015-89

Drafting Attorney: John E. Moffat (202) 566-6682.

Reviewing Attorney: Charles B. Ramsey (202) 566-3553.

Treasury Attorney: John H. Parcell (202) 566-2784.

Agency Contact: John E. Moffat, Senior Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-6682**

RIN: 1545–AN05

2608. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19390
NPRM Comment Period End	07/05/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-217-84.

Drafting attorney: Stuart Wessler (202) 566-6016.

Reviewing attorney: Sharon Galm (202) 566-4741.

Treasury attorney: Don Rocap (202) 566-5911.

Income Tax

Agency Contact: Stuart Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6016**

RIN: 1545–AH49

2609. AFFILIATED GROUPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides proper adjustments to stock bases and earnings and profits of members of an affiliated group in section 304 (a) transfers of intragroup stock.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-2-88

Drafting attorney: Paul Horrell (202) 566-2457.

Reviewing attorney: Virginia Voorhees (202) 566-2454.

13 Income Taxes

Agency Contact: Paul Horrell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-2457**

RIN: 1545–AL41

2610. INCOME TAX--PART 1 TEMPORARY REGULATIONS-RECOGNITION OF GAIN OR LOSS LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986, SECTIONS 631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide rules for the recognition of gain or loss on a corporation's liquidation sales or distributions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-117-86.

Drafting attorney: Peter J. Bautz (202) 566-3341.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Peter J. Bautz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3341**

RIN: 1545–AJ01

2611. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-51-87

Drafting attorney: Linda Schultz (202) 566-3422.

Reviewing attorney: Marcus Blumkin (202) 566-3216.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Linda Schultz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AK30

2612. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO CERTAIN DISTRIBUTIONS UNDER SECTION 355

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to cause the recognition of net gain by the distributing corporation ("parent") upon the distribution of the stock and securities of a controlled corporation ("subsidiary") in a transaction to which section 355 applies when the distribution is part of a transaction that is made with a gain avoidance purpose and within two years of the distribution a person acquires control of the parent or the subsidiary.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-88

Drafting attorney: Robert Casey (202) 566-3551.

Reviewing attorney: Glenn Carrington (202) 566-3430.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income tax

Agency Contact: Robert Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AM34

2613. ● SCOPE OF GENERAL UTILITIES REPEAL

Legal Authority: 26 USC 337(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 (the "Act") repealed the last vestiges of the General Utilities doctrine ("GU repeal"), thereby requiring corporations to recognize gain in most cases upon the distribution of appreciated property to their shareholders. The Act granted the Secretary authority to promulgate regulations necessary to carry out the purposes of the Act. It has been determined that GU repeal can be circumvented in certain circumstances, including, downstream mergers, conversion into tax exempt entities, and cross ownership. This project will seek to identify these areas and promulgate regulations to assure corporate level gain recognition as required by the Act.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-014-89

Drafting attorney: John Geracimos (202) 566-3651.

Reviewing attorney: Virginia Voorhees (202) 566-8454.

Agency Contact: John Geracimos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3651

RIN: 1545–AN21

2614. DEEMED PURCHASE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-191-82.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-3458.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF29

2615. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-26-83.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Thomas F. Wessel (202) 566-2927.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF38

2616. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-218-83.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-2927.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF93

2617. QUESTIONS AND ANSWERS RELATING TO MISCELLANEOUS MATTERS UNDER SECTION 338

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 16430

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-33-85.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AH88

2618. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-8-86.

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AI53

2619. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 333 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require the use of the MADSP formula in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-76-86

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Treasury attorney: Judd Kelly (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AJ07

2620. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-49-87

Drafting attorney: Keith Medleau (202) 566-3551.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Keith Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AK32

2621. APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338(h)(10)

Legal Deadline: None

Abstract: The regulations will provide guidance for utilization of the

installment method of reporting in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-88-88

Drafting attorney: Mark Schneider (202) 566-3544.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Treasury attorney: Judd Kelley (202) 566-2175.

Income Taxes

Agency Contact: Mark Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545–AM84

2622. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-610-86

Drafting attorney: Elizabeth U. Karzon (202) 566-3160.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-3992.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3160**

RIN: 1545–AK74

2623. INCOME TAX--PART 1--TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-76-86.

Drafting attorney: Richard Chewning (202) 566-6384.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-6384**

RIN: 1545–AI32

2624. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 7

Legal Deadline: None

Abstract: Proposal would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9236
NPRM Comment Period End	05/05/89	54 FR 9236
Final Action	04/15/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-988-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AJ78

2625. ● CERTAIN EXCHANGES DESCRIBED IN MORE THAN ONE CODE PROVISION (TEMP REG)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Final Rule Stage

Abstract: Change regulations to conform treatment under the section 367(b) regulations of the transfer of controlled foreign corporation stock.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-358-89

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AN59

2626. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 (a) (2) (F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-135-76.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3551.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AB31

2627. INCOME TAX--OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership (after which the corporation's net operating loss carryovers are limited)).

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29704
NPRM Comment Period End	10/13/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-106-86.

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3422.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AJ00

2628. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information:

CO-66-87.

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3422.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AK87

2629. SECTION 382 LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation provides rules for computation of the section 382 limitation by groups filing consolidated returns.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-132-87

Drafting attorney: David P. Madden (202) 566-3205.

Reviewing attorney: Charles Whedbee (202) 566-3422.

Treasury attorney: Thomas Wessel (202) 566-8277.

Income Taxes

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3205**

RIN: 1545–AL36

2630. ALLOCATION OF A LOSS CORPORATION'S INCOME OR LOSS FOR THE TAXABLE YEAR THAT INCLUDES THE CHANGE DATE BETWEEN THE PERIODS ENDING WITH AND AFTER THE CHANGE DATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Except as provided in regulations, sections 382 (b) (3) (A) and (d) (1) of the Internal Revenue Code of 1986 provide for a ratable allocation of income or net operating loss, respectively, for the taxable year that includes the change date. Notice 87-79, 1987-2 C.B. 387, states that regulations will, in certain cases, provide taxpayers with an election to allocate income and loss between the periods ending with and after the change date on the basis of a closing of their books as of the change date (rather than on the basis of a ratable allocation). The purpose of this regulations project is to implement the above mentioned portion of Notice 87-79 and to provide guidance in certain related areas.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-49-88

Drafting attorney: Keith E. Stanley (202) 566-3618.

Reviewing attorney: James Dahlberg (202) 566-3255.

Treasury attorney: Thomas Wessel (202) 566-8277.

13 Income Tax

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3618**

RIN: 1545–AL58

2631. ● AMENDMENT OF SEC. 1.382-2T(H)(4)(X) TO GRANT THE IRS AUTHORITY TO DESIGNATE IN THE INTERNAL REVENUE BULLETIN ADDITIONAL OPTIONS TO BE EXCEPTED FROM ATTRIBUTION RULES OF SEC. 1.382-2T(H)(4)(I)

Legal Authority: 26 USC 0382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of this project is to amend the Temporary regulations under section 382 of the Internal Revenue Code to provide additional exceptions to the operation of the options attribution rules of sec. 1.382-2T(h)(4)(x) and to grant the Internal Revenue Service the authority to issue Revenue Rulings to provide future additional exceptions to those option attribution rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-010-89

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: James L. Dahlberg (202) 566-3255.

Treasury Attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3367**

RIN: 1545–AN22

2632. ● CORPORATE CONTRACTIONS UNDER SECTION 382

Legal Authority: 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations will be issued which will identify certain acquisition indebtedness as a corporate contraction for purposes of section 382(e)(2).

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-035-89

Drafting attorney: David Madden (202) 566-3205.

Reviewing attorney: James Dahlberg (202) 566-3255.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3205**

RIN: 1545–AN60

2633. ● FOREIGN CORPORATE FIRST TIER ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.382-2T(k)(6)

Legal Deadline: None

Abstract: The temporary regulations under section 382 of the Code require loss corporations to identify their five percent shareholders and any five percent shareholders of the loss corporation's corporate shareholders. Foreign corporations do not always have the ability to identify their five percent shareholders. This project will consider whether the attribution, aggregation, and segregation rules under section 382 should be modified when applied to foreign corporate shareholders of a loss corporation, and whether the Service should substitute a more convenient inquiry for foreign corporate shareholders than the current five percent shareholder identification.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-034-89

Drafting attorney: Vicki Hyche (202) 566-3265.

Reviewing attorney: Jamie Dahlberg (202) 566-3255.

Agency Contact: Vicki J. Hyche, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3265**

RIN: 1545–AN61

2634. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-87

Drafting attorney: Lori Jones (202) 566-3205.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3205**

RIN: 1545–AK28

2635. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (a) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AD68

2636. INCOME TAX--REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408 (a) (6) Internal Revenue Code of 1986; 26 USC 401 (a) (9) Internal Revenue Code of 1986; 26 USC 408 (b) (3) Internal Revenue Code of 1986; 26 USC 408 (d) (3) (C) Internal Revenue Code of 1986; 26 USC 219 (d) (4) Internal Revenue Code of 1986; 26 USC 403 (b) (10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
HEARING	12/04/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Jerry Holmes/R. Wickersham (202) 566-4747.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AE95

2637. INCOME TAX - - PART 1--ADDITIONAL PARTICIPATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
02/01/88 Deadline for final regulations

Abstract: The regulations set forth rules relating to minimum participation requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6710
NPRM Comment Period End	04/17/89	54 FR 6710
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-44-87

Drafting attorney: Michael Lloyd (202) 343-6954.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: Michael Lloyd, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 343-6954**

RIN: 1545–AK46

2638. CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(k)

Legal Deadline: NPRM, Statutory, January 31, 1988.

TREAS—IRS **Final Rule Stage**

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401 (k) by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Hearing	01/27/89	54 FR 4045
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-158-86

Drafting attorney: Catherine L. Fernandez (202) 566-3050

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Treasury attorney: Paul Strella (202) 566-2784.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3050**

RIN: 1545–AI79

2639. INCOME TAX -- PART 1--APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (l) Internal Revenue Code of 1986; 26 USC 401 (a) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45917
NPRM Comment Period End	01/17/89	53 FR 45917
Public Hearing	06/29/89	54 FR 12925

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-159-86

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AI86

2640. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.401(m)

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Hearing	01/27/89	54 FR 4045
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-160-86

Drafting attorney: Catherine L. Fernandez (202) 566-3050.

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Treasury attorney: Paul Strella (202) 566-2784.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3050**

RIN: 1545–AI80

2641. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-81.

Drafting attorney: Harry Beker (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3251**

RIN: 1545–AD81

2642. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities

(including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-83.

Drafting attorney: William Gibbs (202) 566-3050.

Reviewing attorney: A. Thomas Brisendine (202) 566-3050.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3050**

RIN: 1545–AF83

2643. COVERAGE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Rules relating to minimum coverage requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/18/89	54 FR 21437
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-128-86

Drafting attorney: Rebecca Wilson (202) 566-3251.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Rebecca Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-3251**

RIN: 1545–AK41

2644. INC. TAX -- PART 1 -- BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411 (b) (1) (H) Internal Revenue Code of 1986; 26 USC 411 (b) (2) Internal Revenue Code of 1986; 26 USC 410 (a) (2) Internal Revenue Code of 1986; 26 USC 411 (a) (8) (B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

Action	Date	FR Cite
NPRM	04/11/88	53 FR 11876
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-184-86

Drafting attorney: Stephen H. Sherman (202) 566-3251.

Reviewing attorney: Michael Garvey (202) 566-3251.

Treasury attorney: Paul Strella (202) 566-8277

Agency Contact: Stephen H. Sherman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3251**

RIN: 1545–AI85

2645. INCOME TAX - PART 1 - MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986"

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	01/06/88	53 FR 261
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-167-86

Drafting attorney: V.A. Moore (202) 566-4503.

Reviewing attorney: James Brokaw (202) 566-3496.

Cross-Reference to EE-73-87

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4503**

RIN: 1545–AI88

2646. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-81.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AD90

2647. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (n) Internal Revenue Code of 1986; 26 USC 414 (m) (5) Internal Revenue Code of 1986; 26 USC 414 (o) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32502
NPRM Comment Period End	10/26/87	
Hearing	12/02/87	52 FR 45835
Hearing	02/25/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-82.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel reviewing attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott/Rhonda Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AE91

2648. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1114 Tax Reform Act of 1986; PL 99-514, Sec 1115 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the definitions of "highly compensation contained in subsections 414(q) and (s) of The Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-129-86

Drafting attorney: Suzanne K. Tank (202) 343-6954.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Cross Reference to EE-74-87.

Agency Contact: Suzabbe K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-6954

RIN: 1545–AI91

2649. TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
NPRM	12/23/87	52 FR 48546
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-45-87

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AK63

2650. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED YEAR BY PARTNERSHIPS, S CORPORATIONS AND PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to elections of taxable years other than the required taxable year by partnerships, S corporations and personal service corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19715
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-53-88

Drafting attorney: Arthur Davis (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

13 Income taxes

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Avenue, Washington, D.C. 20224, 202 377-9581

RIN: 1545–AL68

2651. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-122-86.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3637

RIN: 1545–AJ52

2652. NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING--CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 (d) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will clarify amounts determined to be uncollectible with respect to the nonaccrual-experience method of accounting under section 448 (d) (5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-79-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4402.

13 Income Tax

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AM33

2653. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-121-85.

Drafting attorney: Carol Conjura (202) 566-3731.

Reviewing attorney: John M. Fischer (202) 566-8131.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AI19

2654. INCOME TAX--GENERAL RULES FOR INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-173-80.

Drafting attorney: Chris Rogers (202) 377-9583.

Reviewing attorney: George Wright (202) 566-9587.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Chris Rogers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9583

RIN: 1545–AB42

2655. INCOME TAX--INSTALLMENT REPORTING - ASSET SALES AND LIQUIDATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation. Additionally includes rules regarding the allocation of consideration received in a multiple

asset sale if a disposition of any one of the properties would qualify for installment sale treatment.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-184-80.

Drafting attorney: Robert Deitz (202) 377-9582.

Reviewing attorney: Doug Fahey (202) 566-4442.

Treasury attorney: Mark Levy (202) 566-4902.

Agency Contact: Robert Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9582**

RIN: 1545–AB43

2656. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-186-80.

Drafting Attorney: D. Lindsay Russell (202) 343-2381.

Reviewing Attorney: John M. Fischer (202) 566-8131.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-2381**

RIN: 1545–AB44

2657. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26909
NPRM Comment Period End	09/29/86	
Final Action	11/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-146-81.

Drafting attorney: Benjamin P. Foster (202) 343-0328.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Benjamin P. Foster, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-0328**

RIN: 1545–AB47

2658. TRANSITIONAL RULE RELATING TO CERTAIN INSTALLMENT SALES BY MANUFACTURERS TO DEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance with respect to an exception from the general rules applicable to installment sales.

Timetable:

Action	Date	FR Cite
NPRM	07/12/88	53 FR 26279
NPRM Comment Period End	09/12/88	53 FR 26279

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-51-88

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Taxes

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4440**

RIN: 1545–AL55

2659. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26903
NPRM Comment Period End	09/26/86	51 FR 26903
Final Action	11/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-141-83.

Drafting attorney: Benjamin P. Foster (202) 343-0328.

Office of Tax Legislative Counsel reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Benjamin P. Foster, Tax Law Specialist, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-0328

RIN: 1545–AF71

2660. ● SPECIAL RULES FOR NONDEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the pledging rules and special interest charge of section 453A.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-025-89

Drafting Attorney: James A. Orefice (202) 566-3637.

Reviewing Attorney: Cynthia L. Clark (202) 566-6302.

Treasury Attorney: Marc Levy (202) 566-4902.

Agency Contact: James Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AN13

2661. CERTAIN INDEBTEDNESS TREATED AS PAYMENTS ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for treating certain indebtedness as payment on installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34778
NPRM Comment Period End	11/07/88	53 FR 34778

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-88

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Tax

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4440

RIN: 1545–AM37

2662. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-195-78.

Drafting attorney: Edward C. Schwartz (202) 566-3861.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AB48

2663. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-257-84.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AH33

2664. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS

Final Rule Stage

Additional Information: IA-144-76.

Drafting attorney: Unassigned.

Reviewing attorney: Cynthia C. Clark (202) 566-6302.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-8277.

Agency Contact: Cynthia Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6302

RIN: 1545–AB51

2665. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-168-76.

Drafting attorney: Charles Alton (202) 377-9660.

Reviewing attorney: William P. O'Shea (202) 566-3241.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9660

RIN: 1545–AB52

2666. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-155-85.

Drafting attorney: Jeffrey C. Golden (202) 566-3244.

Reviewing attorney: Frances D. Schafer (202) 566-3629.

Treasury attorney: John H. Parcell (202) 566-2784.

Agency Contact: Jeffrey C. Golden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3244

RIN: 1545–AI41

2667. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

As an alternative to a no-rule position on this issue, the Service could publish a revenue procedure that contains the terms and conditions of a plan that must be.

Abstract: The proposed regulations address essential issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5733
Hearing	06/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-14-88

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael Grace (202) 566-4751.

Treasury attorney: John H. Parcell(202) 535-6965.

13 Income Tax

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4751

RIN: 1545–AB26

2668. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - MISCELLANEOUS ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-6T; 26 CFR 1.469-7T; 26 CFR 1.469-8T; 26 CFR 1.469-9T; 26 CFR 1.469-10T

Legal Deadline: None

Abstract: The proposed regulations address miscellaneous issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-083-88

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John H. Parcell (202) 566-6965.

Income Tax

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4751**

RIN: 1545–AM58

2669. ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulations will provide final rules for allocating interest expense for purposes of applying the passive loss, investment interest and personal interest limitations.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25036
NPRM Comment Period End	08/31/87	52 FR 25036
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-010-87

Drafting attorney: Robert N. Deitz (202) 377-9582.

Reviewing attorney: Michael J. Grace (202) 566-6460.

Treasury attorney: Adam Handler (202) 535-6964.

Passive Activity Losses and Credits

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9582**

RIN: 1545–AM83

2670. ● APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO TRUSTS, ESTATES, AND THEIR BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469 (a) (2) (A) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-8T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss limitations affect trusts and estates.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-036-89

Drafting attorney: Robert Stoddart (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9660**

RIN: 1545–AN62

2671. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS--FORMER PASSIVE ACTIVITIES

Legal Authority: 26 USC 469 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-1T(k)

Legal Deadline: None

Abstract: The regulations will provide rules concerning the treatment of former passive activities and changes in the status of certain corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-37-89

Drafting attorney: Andrea Tucker (202) 377-9665.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Andrea Tucker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9665**

RIN: 1545–AN66

2672. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - $25,000 OFFSET FOR RENTAL REAL ESTATE ACTIVITIES

Legal Authority: 26 USC 0469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-9T

Legal Deadline: None

Abstract: The regulation will address the offset of up to $25,000 from passive activity loss and passive credit limitations where the taxpayer is a natural person that actively participates in rental real estate activities and meets certain adjusted gross income requirements.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-040-89

Drafting attorney: Dexter Johnson (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9660**

RIN: 1545–AN65

2673. ● APPLICATION OF PASSIVE ACTIVITY LOSS AND CREDIT LIMITATIONS TO INTERESTS IN PUBLICLY TRADED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-10T

Legal Deadline: None

Abstract: This regulation will describe how the passive loss and credit limitations affect publicly traded partnerships and their partners.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: PS-038-89

Drafting attorney: Robert Stoddart (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9660

RIN: 1545–AN63

2674. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T; 26 CFR 602.101

Legal Deadline: None

Abstract: Pursuant to the grant of authority in section 469(l), the regulations define "activity".

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20606
NPRM Comment Period End	08/31/89	54 FR 20606
Final Action	05/01/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-001-89

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John H. Parcell (202) 535-6965.

Income Taxes

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4751

RIN: 1545–AM88

2675. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS-SELF CHARGED ITEMS

Legal Authority: 26 USC 0469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-7T

Legal Deadline: None

Abstract: The regulation will address the treatment of self-charged items of income and expense in connection with transactions between passthrough entities and owners of interests in those entities.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: PS-039-89

Drafting attorney: Dexter Johnson (202) 377-9660.

Reviewing attorney: Michael Crace (202) 377-9660.

Treasury attorney: John Parcell (202) 566-2784.

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9660

RIN: 1545–AN64

2676. SPECIAL RULES FOR ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES IN THE CASE OF PASSTHROUGH ENTITIES

Legal Authority: 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulation will address the treatment of interest expense on (1) debt allocated to distributions by passthrough entities; (2) repayment of passthrough entity debt; (3) debt allocated to expenditures for interests in passthrough entities; and (4) allocation of debt to loans between passthrough entities and interest holders.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-109-87

Drafting attorney: Dexter Johnson (202) 377-9660.

Reviewing attorney: Michael Grace (202) 377-9660.

Treasury attorney: Adam A. Handler (202) 535-6964.

Passive Activity Losses and Credits

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9660

RIN: 1545–AM79

2677. INCOME TAX–THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	04/11/83	48 FR 6134
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-254-81.

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS **Final Rule Stage**

Constitution Ave., N.W., Washington, D.C. 20224, 202 343-2383

RIN: 1545–AB55

2678. ● SIMPLIFIED DOLLAR VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar-value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-30-87

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261.

Treasury accountant advisor : Marc Levy (202) 535-6966.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2383

RIN: 1545–AN09

2679. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (c) (12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearingheld 5/31/84	03/26/84	49 FR 1186
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-17-81.

Drafting attorney: William D. Gibbs (202) 566-3050.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3050

RIN: 1545–AD99

2680. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

FI-81-86.

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Sharon Galm (202) 566-3326.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3458

RIN: 1545–AJ31

2681. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-152-79.

Drafting attorney: Eric E. Boody (202) 566-4336.

Reviewing attorney: David Brandon (202) 566-3458.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AB66

2682. ● TAX CONSEQUENCES OF FEDERAL FINANCIAL ASSISTANCE PROVIDED IN CONNECTION WITH TAXABLE ASSET ACQUISITIONS OF TROUBLED FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 597 Internal Revenue Code of 1986, as amended

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Purpose of regulation is to implement changes to Section 597 by FIRREA. The FDIC needs this guidance to facilitate the reorganization of failed S&L s.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-045-89

Drafting attorney: Bernita Thigpen (202) 566-3829.

Reviewing attorney: Steven Glickstein (202) 566-3346.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Bernita Thigpen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545–AN70

2683. INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 (a) Internal Revenue Code of 1986; 26 USC 703 (a) Internal Revenue Code of 1986; 26 USC 705 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-105-75.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AB73

2684. TRANSFERS BY INDIVIDUALS TO CORPORATION UNDER SECTION 613A (C)(10)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A (c) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-35-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AB74

2685. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49030
Interim Final Rule	07/05/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-101-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3980

RIN: 1545–AJ47

2686. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53174
NPRM Comment Period End	03/30/89	53 FR 53174
Extension of comment periodNPRM	00/00/00	54 FR 25878
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-229-84.

Drafting attorney: Mary A. Munday (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-5453.

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury,

TREAS—IRS **Final Rule Stage**

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9470**

RIN: 1545–AH26

2687. ● AMENDMENTS TO TEMPORARY REGULATIONS UNDER SECTIONS 752 AND 704(B) ISSUED 12/29/88

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These amendments make certain clarifying and corrective changes to the temporary regulations issued 12/29/88 (RIN 1545-AH26) relating to the treatment of partnership liabilities and the allocation of deductions attributable to nonrecourse debt.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-018-89

Drafting attorney: Mary A. Munday (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-5453.

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9470**

RIN: 1545–AN29

2688. MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NOT APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 0083
NPRM Comment Period End	03/03/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-71-86.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AK04

2689. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986; 26 USC 809 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-159-84.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545–AG63

2690. ● TREATMENT OF SALVAGE RECOVERABLE UNDER SECTION 832

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.832-4T

Legal Deadline: None

Abstract: Regulations will provide rules relating to the proper treatment of salvage and reinsurance recoverable in the computation of the losses incurred deduction of Section 832(b)(5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-043-89

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AN67

2691. TEMPORARY INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-138-86.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3294

RIN: 1545–AI96

2692. TREATMENT OF DESIGNATED HEDGES BY RICS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 851 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules concerning the treatment of designated hedges by regulated investment companies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-092-88

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Company

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM82

2693. TREATMENT OF CERTAIN LOSSES ATTRIBUTABLE TO PERIODS AFTER OCTOBER 31 OF A TAXABLE YEAR OF A REGULATED INVESTMENT COMPANY

Legal Authority: 26 USC 852 (b)(3) Internal Revenue Code of 1986; 26 USC 852 (b)(3) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 852 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to certain losses attributable to periods after October 31 of a taxable year of a regulated investment company for purposes of determining taxable income, earnings and profits, and the amount which may be designated as capital gain dividends for a taxable year.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-86-88

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Companies

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AM56

2694. INCOME TAX--REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICS); REPORTING REQUIREMENTS AND OTHER ADMINISTRATIVE MATTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986; 26 USC 1275(c) Internal Revenue Code of 1986; 26 USC 6049(d)(7)(D) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on how to elect REMIC status, and the reporting requirements on REMICs and brokers or middlemen holding as nominees for the actual owner.

Timetable:

Action	Date	FR Cite
Temporary Regulation	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-8-89

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3287.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Income Tax

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM99

2695. APPCRTIONMENT OF EXPENSES IN THE FSC AND DISC CONTEXTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide guidance on how expenses in the DISC and FSC contexts will be apportioned.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17473
Final Action	11/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-028-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: T. Timothy Tuerff (202) 566-9050.

Treasury attorney: R. Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the

Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AK78

2696. CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 49893
Hearing	05/18/89	54 FR 12238
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-041-88

Drafting attorney: David F. Chan (202) 377-9059.

Reviewing attorney: Unassigned.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AM08

2697. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expenses attributable to interest rate swap agreements. Interest rate swap agreement are basically agreements used to hedge against interest rate fluctuation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-987-86

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Bob Katcher (202) 566-6795.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6284**

RIN: 1545–AL26

2698. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporations.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35525
Hearing	02/21/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-952-86

Drafting attorney: David M. Merrick (202) 566-6276.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-2964.

13 Income Taxes.

Agency Contact: David M. Merrick, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6276**

RIN: 1545–AM20

2699. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986; 26 USC 956 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These rules will relate to the treatment of income derived by foreign corporations from factoring the receivables of related persons, rules relating to certain investments in U.S. property and stock redemptions through related corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 22186
NPRM Comment Period End	08/15/88	53 FR 22186
Hearing	02/09/89	53 FR 49895
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-49-86.

Drafting attorney: Steven Marcuse (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Steven Marcuse and Barbara Felker, Attorney-Advisors, Department of the Treasury, Internal

Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AH85

2700. ● TRANSITION RULES FOR ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND RULES CONCERNING THE TREATMENT OF FINANCIAL ARRANGEMENTS THAT ALTER EFFECTIVE INTEREST EXPENSE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The interest allocation transition rules are a complex set of provisions featuring a three part phase-in scheme. Particular statutory provisions are eligible for extended relief from the generally applicable phase-in rule. The interest equivalent portion of the regulations deals with the impact of financial products on the total amount of interest expense that is subject to allocation.

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	54 FR 31858

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-304-89

Drafting attorney: David Merrick (202) 566-6276.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: David Merrick, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6276

RIN: 1545–AN10

2701. TEMPORARY REGULATIONS FOR SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide temporary rules for determining the source of income from sales of personal property until final regulations may be promulgated.

Timetable:

Action	Date	FR Cite
Temporary regulation	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-356-88

Drafting attorney: Carol P. Tello (202) 377-9059.

Reviewing attorney: Robert E. Culbertson (202) 377-9394.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave. N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AL78

2702. EMPLOYMENT TAXES--APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Temporary regulations providing rules enforcing the exclusion from portfolio interest of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-921-87

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Carol Dupuy (202) 566-6795.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Employment Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave., N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AM29

2703. UNTIMELY FILING BY FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules regarding deductibility of expenses by a foreign corporation that does not file a timely tax return.

Timetable:

Action	Date	FR Cite
NPRM	07/31/89	54 FR 31545
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-74-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AJ74

2704. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the

branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	09/02/88	53 FR 34120
Hearing	01/17/89	53 FR 49208
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-934-86

Drafting attorney: Richard M. Elliott (202) 566-6457.

Reviewing attorney: Benedetta A. Kissel (202) 566-3179.

Treasury attorney: Ann Fisher (202) 566-4979.

13 Income taxes.

Agency Contact: Richard M. Elliott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AJ73

2705. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment Period End	08/26/88	53 FR 24100
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-285-88

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Bernard T. Bress (202) 566-6440.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6384

RIN: 1545–AL93

2706. INCOME TAX--PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 1445(e)(5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-48-86

Drafting attorney: James Sams (202) 377-9059.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: David Crowe (202) 566-5791.

13Income Taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AB98

2707. NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Hearing	03/01/89	54 FR 1189
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-491-87

Drafting attorney: Leslie A. Cracraft (202) 566-6276.

Reviewing attorney: Charles C. Saverude (202) 566-6008.

Treasury attorney: David Crowe (202) 566-6645.

13 Income taxes.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6276

RIN: 1545–AK79

2708. AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Final Rule Stage

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45942
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-942-86

Drafting attorney: Carol E. Murphy (202) 566-3160.

Reviewing attorney: Charles C. Saverude (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3160

RIN: 1545–AJ90

2709. 904(F) TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1203

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset the taxpayer's other foreign source income subject to a separate limitation for the taxable year on a proportionate basis before such losses offset the taxpayer's U.S. source income. Accordingly, the regulation will provide rules for the allocation of foreign source losses incurred in taxable years beginning before the effective date of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17472
Interim Final Rule	07/08/88	53 FR 17473
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-932-86

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran-Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., 202 566-3896

RIN: 1545–AL17

2710. INCOME TAX--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	01/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-61-86

Drafting attorney: Eli J. Dicker (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: David Crowe (202) 566-4791.

13 Income taxes.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, 202 566-3499

RIN: 1545–AC09

2711. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3083
NPRM Comment Period End	04/24/89	54 FR 3083
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-152-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AE34

2712. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925 (b) (1) Internal Revenue Code of 1986; 26 USC 925 (b) (2) Internal Revenue Code of 1986; 26 USC 927 (d) (2) (B) Internal Revenue Code of 1986; 26 USC 927 (e) (1) to 927 (e) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Hearing	01/19/88	
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-153-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AI16

2713. INCOME TAX--DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (d) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-44-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AC10

2714. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
Temporary regulation	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-955-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL81

2715. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32308
NPRM Comment Period End	10/26/87	
Final Action	12/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-57-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AE38

2716. SUBPART F DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27532
Hearing	02/09/89	53 FR 49895
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-362-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorneys: Peter Barnes (202) 566-5815 and Chisoon Lee (202) 566-8275.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AM15

2717. FUNCTIONAL CURRENCY

Legal Authority: 26 USC 7805 Internal Revenue Code Of 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules for determining the currency an entity will compute gain or loss. If the entity is a foreign entity, it may be allowed to compute its gain or loss in a foreign currency and translate the net amount of such gain or loss into U.S. dollars.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20337
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-962-86

Drafting attorney: David Rosenberg (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AL24

2718. PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 987 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32405
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-393-88

Drafting attorney: David Rosenberg (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AM13

2719. ● COMPUTATION OF A BRANCH'S TAXABLE INCOME. TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch rules on how to translate branch income.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-378-89

Drafting attorney: David Rosenberg (202) 566-6795.

Reviewing attorney: Bob Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6795

RIN: 1545–AN32

2720. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-936-86

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

TREAS—IRS **Final Rule Stage**

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6284**

RIN: 1545–AL16

2721. DEFINITION OF A QUALIFIED BUSINESS UNIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Certain foreign operations of a United States person or foreign corporation may have a functional currency other than the United States dollar if such operations satisfy the requirements for a qualified business unit.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20650
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-983-86

Drafting attorney: Carl M. Cooper (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AM31

2722. TRANSITION RULE FOR QUALIFIED BUSINESS UNITS USING A NET WORTH METHOD OF ACCOUNTING FOR TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a net worth method of accounting prior to the enactment of the Tax Reform Act of 1986. Under the Act, foreign branches must now account for their operations under the profit and loss method as set forth in section 987 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20651
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-964-86

Drafting attorney: David Rosenberg (202) 566-6795.

Reviewing attorney: Robert Katcher (202) 566-6795.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AL29

2723. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 3256

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-043-86.

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AG71

2724. INCOME TAX--TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-182-78.

Drafting attorney: Mark Smith (202) 566-3829.

Reviewing attorney: Al Kraft (202) 566-3297.

Agency Contact: Mark Smith, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545–AC20

2725. CUSTOMS LIMITATION ON TAXPAYER'S BASIS IN PROPERTY IMPORTED FROM RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 importers could claim a transfer price for customs purposes that was too low to be consistent with the price they claim for income tax purposes. Section 1248 of the Tax Reform Act of 1986 addressed this problem by enacting Section 1059A of the Internal Revenue Code, under which importers cannot claim a transfer price for income tax purposes that is higher than would be consistent with the value they claim for customs purposes. Regulations will be needed to provide rules for coordinating customs and tax valuation principles. It is anticipated that as a result of Section 1059A of the Internal Revenue Code, some taxpayers will claim higher transfer prices for customs purposes. No estimate has been made of the revenue.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33427
NPRM Comment Period End	11/02/87	
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-960-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ92

2726. INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27053
NPRM Comment Period End	11/15/88	53 FR 32899
Final Action	09/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-119-86.

Drafting attorney: Judith C. Winkler (202) 377-9665.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9665

RIN: 1545–AJ06

2727. CHARACTER OF GAINS AND LOSSES IN CASE OF STRADDLES WHERE AT LEAST ONE POSITION IS ORDINARY AND AT LEAST ONE POSITION IS CAPITAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance with respect to the timing and character of gains and losses in case of straddles where at least one position is ordinary and at least one position is capital.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-106-88

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: David Brandon (202) 566-3287.

Straddles

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AM57

2728. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) (1) Internal Revenue Code of 1986; 26 USC 1092 (b) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Hearing	05/02/85	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-299-84.

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: David L. Brandon (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AH59

TREAS—IRS

Final Rule Stage

2729. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Hearing	05/02/85	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-297-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AH60

2730. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-039-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AL89

2731. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-276-76.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Natural Resources.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3292**

RIN: 1545–AC35

2732. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed under a constant yield method. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, where there are contingent payments, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-189-84.

Drafting attorney: William E. Blanchard (202) 566-3142.

Reviewing attorney: Andrew Kittler (202) 566-4114.

Treasury attorney: Reed Shuldiner (202)-566-2175.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3142

RIN: 1545–AH46

2733. PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1294 Internal Revenue Code of 1986; 26 USC 1297(b)(1) Internal Revenue Code of 1986; 26 USC 1291(d)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide guidance to passive foreign investment companies and their shareholders that are United States about the time, manner and other requirements for making certain elections.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6781
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-941-86

Drafting attorney: Gayle Novig (202) 377-9059.

Reviewing attorney: Tom Fuller (202) 377-9059.

Treasury attorney: Mary Bennett (202) 566-5992.

Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AI33

2734. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment Period End	12/08/87	
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-262-82.

Drafting attorney: Noah S. Baer (202) 566-3622.

Reviewing attorney: Thomas Hines (202) 566-6813.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Income Tax

Agency Contact: Noah S. Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3622

RIN: 1545–AE86

2735. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52190
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-260-82.

Drafting attorney: Stuart G. Wessler (202) 566-6016.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Treasury attorney: Thomas Wessel (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6016

RIN: 1545–AE26

2736. TEMPORARY REGULATION--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide ruling relating to the section 1374 built-in gains tax to C corporations electing S corporation status

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-6-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-2456.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AK91

2737. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

TREAS—IRS **Final Rule Stage**

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-41-86

Drafting attorney: Lisa L. Grogan (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Lisa L. Grogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Suite 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AH86

2738. ● WITHHOLDING OF TAX ON NON-RESIDENT ALIENS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1441

Legal Deadline: None

Abstract: Section 864 (c) (6) of the Code, added in 1986, had the unintended effect of allowing nonresident alien individuals to elect out of all withholding on pension payments from qualified plans. The regulation corrects this inadvertent loophole and requires withholding on such payments.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: INTL-587-89

Drafting attorney: Carol Tello (202) 377-9059.

Reviewing attorney: Thomas D. Fuller (202) 377-9059.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Carol Tello, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9059

RIN: 1545–AN74

2739. WITHHOLDING RULES ON DISTRIBUTIONS ATTRIBUTABLE TO DISPOSITIONS OF US REAL PROPERTY INTEREST BY PUBLICLY TRADED PARTNERSHIPS, TRUSTS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address withholding upon proceeds of disposition of US property real interests by publicly traded partnerships, publicly traded trusts and real estate investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46688
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-088-86

Drafting attorney: John Dean (202) 377-9493.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income taxes.

Agency Contact: John Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9493

RIN: 1545–AM50

2740. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund significant policy issues tax involved. Section 1446 was substantially amended by the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-938-86

Drafting attorney: David F. Chan (202) 377-9059.

Reviewing attorney: Robert E. Culbertson, Jr. (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attn: CC:INTL, Room 4607, 202 377-9059

RIN: 1545–AL32

2741. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing	12/10/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-97-79.

Drafting attorney: Roy Hirschhorn (202) 566-3354.

Reviewing attorney: John Broadbent (202) 566-3877.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3354**

RIN: 1545–AC48

2742. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would revise the method of adjusting the basis of stock under section 1.1502-32.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-15-86.

Drafting attorney: David Kessler (202) 566-4551.

Reviewing attorney: John Broadbent (202) 566-3877.

Agency Contact: David Kessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-4551**

RIN: 1545–AI58

2743. TEMPORARY REGULATIONS-CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporate acquisitions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-2455**

RIN: 1545–AK95

2744. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will finalize temporary regulation 1.1502-32T concerning basis reduction accounts that are created when a subsidiary is deconsolidated but members of the affiliated group retain some stock in the deconsolidated subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8773
NPRM Comment Period End	05/16/88	53 FR 8773
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-28-88

Drafting attorney: David Kessler (202) 566-4551.

Reviewing attorney: John Broadbent (202) 566-4324.

13 Income Tax

Agency Contact: David Kessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4551**

RIN: 1545–AL59

2745. ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34779
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-66-88

Drafting attorney: Jerilynn V. Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-3484.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income Tax

Agency Contact: Jerilynn V. Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3877

RIN: 1545–AL62

2746. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the treatment of gain recognized upon complete liquidations of corporations in a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12705
NPRM Comment Period End	06/17/88	53 FR 12705
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-47-88

Drafting attorney: Jerilynn V. Chapman (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Thomas Wessel (202) 566-2928.

13 Income Tax

Agency Contact: Jerilynn V. Chapman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3877

RIN: 1545–AL63

2747. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF CERTAIN ORGANIZATIONS WHOSE TAX-EXEMPT STATUS WAS REVOKED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the Tax-Exempt status of certain organizations by section 1012 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-67-88

Drafting attorney: Jean M. Whalen (202) 566-3422.

Reviewing attorney: Edward S. Cohen (202) 566-3484.

Treasury attorney: J. Judge Kelley (202) 566-2175.

13 Income Tax

Agency Contact: Jean M. Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AL64

2748. CONSOLIDATED INVESTMENT CREDIT RECAPTURE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-3(f)(2)

Legal Deadline: None

Abstract: Section 47 (a) (1) of the Internal Revenue Code and the regulations thereunder provide the general rule that if section 38 property is disposed of there shall be recapture of investment credit. Section 1.1502-3 (f) (2) provides an exception to that rule for the transfer of section 38 property between members of an affiliated group; such a transfer will not cause a disposition within the meaning of section 47 (a) (1). This exception is premised on treating the affiliated group, for investment tax credit purposes, as a single entity that continues to own the property after the transfer. Such a premise is not justified, and the exception does not apply, if at the time of the transfer there is an intent that the property subsequently leave the group in a transaction described in section 1.1502-13 (f). See Rev. Rul. 82-20, 1982-1 CB 6. In such a case, recapture is appropriate. The regulation will amend section 1.1502-3 (f) (2) to make this explicit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-88

Drafting attorney: Roy Hirschhorn (202) 566-3354.

Reviewing attorney: John Broadbent (202) 566-3877.

13 Income tax

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3354

RIN: 1545–AM35

2749. ● TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32 (T)

Legal Deadline: None

Abstract: When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events (declaration of dividend and payment of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/16/89	54 FR 11007

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-005-89

Drafting Attorney: Kenneth Cohen (202) 566-4324.

Reviewing Attorney: John Broadbent (202) 566-3484.

Treasury Attorney: Tom Wessel (202) 566-8277.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AN12

2750. ● TRANSACTIONS BETWEEN MEMBERS INVOLVING COMMON NONTAXABLE EXCHANGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-13

Legal Deadline: None

Abstract: Section 1.1502-13 of the Income Tax Regulations provides the general rule that the term intercompany transaction means a transaction during a consolidated return year between corporations which are members of the same group. Section 1.1502-13 (f) provides as a general rules that deferred gain attributable to a selling member will be triggered when the asset leaves the group. The regulation, in effect, does not deal with a situation where a selling member exchanges property subject to Section 1.1502-13 rules in a nontaxable exchange to an outside party. Moreover, the current regulations do not adequately cover tax free transactions between members. This proposed regulation will provide rules for certain common nontaxable exchanges within the affiliated group.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-028-89

Drafting attorney: Roy Hirschhorn (202) 566-3354.

Reviewing attorney: John Broadbent (202) 566-3877.

Treasury attorney: Tom Wessel (202) 566-8277.

Agency Contact: Roy Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3354

RIN: 1545–AN25

2751. DUAL RESIDENT COMPANIES-LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a U.S. Corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S. affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for U.S. purposes, its loss will be available to offset income of that corporation in other years, but not income of another U.S. Corporation. Regulations may exempt a U.S. corporation from this rule to the extent that its losses do not offset the income of foreign corporations for foreign tax purposes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-961-86

Drafting attorney: Shannon M. Votava (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: David Crowe (202) 566-8275.

13 Income Taxes.

Agency Contact: Shannon M. Votava, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ54

2752. CROSS-REFERENCE--ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-23-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AK88

2753. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of

that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-181-76.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury Attorney: Robert Weaver (202) 535-6959.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9512

RIN: 1545–AC63

2754. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-211-76.

Drafting attorney: Susan Hurwitz (202) 566-5983.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Weaver (202) 535-6959.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-5983

RIN: 1545–AC67

2755. ● TIMELINESS OF A DISCLAIMER OF INTEREST IN PROPERTY CREATED PRIOR TO JAN. 1, 1977

Legal Authority: 26 USC 2511 Internal Revenue Code of 1986

CFR Citation: 26 CFR 25.2511-1(c)

Legal Deadline: None

Abstract: The existing regulation includes the term "taxable transfers", but does not adequately explain that this term includes certain transfers that are not necessarily subject to tax.

Timetable:

Action	Date	FR Cite
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: PS-30-89

Drafting attorney: George Masnik (202) 566-4788.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Robert Weaver (202) 535-6959.

Agency Contact: George Masnik, Assistant to Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4788

RIN: 1545–AN27

2756. ESTATE TAX--GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8469
Final Action	07/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-128-86.

Drafting attorney: John B. Franklin (202) 535-9540.

Reviewing attorney: Fred E. Grundeman (202) 535-9512.

Treasury attorney: Robert Weaver (202) 535-6959.

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9540

RIN: 1545–AJ11

2757. EMPLOYMENT TAX--TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security

or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	
Final Action	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-23-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal J. Sheldon (202) 566-3783.

Treasury attorney: Paul Strella (202) 535-6965.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3627**

RIN: 1545–AC77

2758. BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 35a

Legal Deadline: None

Abstract: This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 20% of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 05991
Hearing	06/15/89	54 FR 11236
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-052-86

Drafting attorney: Teresa B. Hughes (202) 566-6795.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6795**

RIN: 1545–AL99

2759. CLARIFYING AMENDMENTS TO SECTION 35A.3406-1 REGARDING BACKUP WITHHOLDING DUE TO AN INCORRECT TIN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to an incorrect TIN.

Timetable:

Action	Date	FR Cite
NPRM	04/11/89	54 FR 11364
Final Action	10/31/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-104-88

Drafting Attorney: Renay France (202) 566-3627.

Reviewing Attorney: John Coulter (202) 566-3928.

Treasury Attorney: Andrew Dubroff (202) 566-4902.

Employment Taxes.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3627**

RIN: 1545–AM51

2760. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES--REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-37-88.

Drafting attorney: Alfred Kelley (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AE62

2761. ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance to assist diesel fuel retailers in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

TREAS—IRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	53 FR 6524
NPRM Comment Period End	05/02/88	53 FR 6524
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-114-86

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-2567.

Agency Contact: Frank Boland, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4475**

RIN: 1545–AJ13

2762. TAXABILITY OF CONVERTER DOLLIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145.4051

Legal Deadline: None

Abstract: The regulation will address whether converter dollies for truck semitrailers are subject to tax under section 4051 of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-59-88

Drafting attorney: Theodore Margopulos (202) 343-8555.

Reviewing attorney: Richard Kocak (202) 566-3398.

13 Excise Tax

Agency Contact: Theodore N. Margopulos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 343-8555**

RIN: 1545–AL71

2763. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16882
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-17-86.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4077**

RIN: 1545–AI51

2764. INCOME TAX--LOBBYING BY PUBLIC CHARITIES AND PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (h) Internal Revenue Code of 1986; 26 USC 504 Internal Revenue Code of 1986; 26 USC 4911 Internal Revenue Code of 1986; 26 USC 170 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None

Abstract: The regulations will provide rules applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures, and will also apply to lobbying expenditures by private foundations.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51826
NPRM Comment Period End	03/03/89	53 FR 51826
Hearing	04/03/89	53 FR 51826
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-154-78.

Drafting attorney: Jerome P. Walsh Skelly (202) 566-3505.

Reviewing attorney: Paul G. Accettura (202) 566-3505.

Agency Contact: Jerome P. Walsh Skelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3505**

RIN: 1545–AE02

2765. EXCISE TAX--ELECTION TO AGGREGATE LINES OF BUSINESS FOR PURPOSES OF CERTAIN FRINGE BENEFIT EXCLUSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4977 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: Regulations will provide guidance in the manner of making an election under section 4977. The regulations will also provide rules concerning the requirements for making a section 4977 election.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	50 FR 836
Hearing See additional information	04/16/85	50 FR 7072
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-139-87

Drafting attorney: Rhonda G. Migdail (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Proposed and temporary regulations under section 4977 were published together with other fringe benefits regulations (LR-216-84) and the subject of public hearings. Additional section

4977 regulations will be provided exclusively in this project.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-4747

RIN: 1545–AI63

2766. EXCISE TAX -- EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986; 26 USC 4980A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46782
NPRM Comment Period End	02/08/88	52 FR 46782

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-162-86

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes/Richard Wickersham (202) 566-4747/(202) 566-4621.

Treasury attorney: Paul Strella (202) 566-6958.

Agency Contact: Richard Pavel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3503

RIN: 1545–AI81

2767. EXCISE TAX--ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-225-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Barksdale Penick (202) 566-5453.

Withdrawal notice in signature package.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AC94

2768. EXCISE TAX--DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-34-82.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Barksdale Penick (202) 566-5453.

Windfall Profits Tax

Withdrawal notice in signature package

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AD08

2769. EXCISE TAX -- PART 54 -- PROCEDURE AND ADMINISTRATION-- PART 301 -- FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-151-86

Drafting attorney: Suzanne K. Tank (202) 566-3060.

Reviewing attorney: James L. Brokaw (202) 566-3496.

TREAS—IRS **Final Rule Stage**

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AI83

2770. ● RETURN FILING REQUIREMENTS FOR INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6012 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6012-2(c)

Legal Deadline: None

Abstract: Regulations will outline requirements for the filing of income tax returns by insurance companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-32-89

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: William Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AN23

2771. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-198-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AE40

2772. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
NPRM	09/07/88	53 FR 34545
NPRM Comment Period End	11/07/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-156-86.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-4979.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4680

RIN: 1545–AJ98

2773. INFORMATION RETURNS OF BROKER TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-201-83.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AG02

2774. INFORMATION RETURNS ON SALES THROUGH COD ACCOUNTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-62-84.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AG52

2775. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation proposed to adopt as final rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774
Hearing	07/22/87	52 FR 23308
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-95-86.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 377-9581**

RIN: 1545–AJ25

2776. INCOME TAX--INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-130-87

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: David L. Crawford (202) 377-9590.

Treasury attorney: Judge Kelley (202) 566-2175.

13 Income Tax

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AL06

2777. TO CLARIFY THE OBLIGATION OF BROKERS TO REPORT ORIGINAL ISSUE DISCOUNT ON FORM 1099

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulation explains the revised reporting requirements for original issue discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report original issue discount on certain debt instruments held as a nominee.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45131
NPRM Comment Period End	02/17/87	51 FR 45131

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-144-85

Drafting attorney: Carol Nachman (202) 566-3287.

Reviewing attorney: Thomas Lyden (202) 566-3287.

Original Issue Discount Reporting Requirements of Brokers

Agency Contact: Carol Nachman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545–AM80

2778. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entities Affected: None

TREAS—IRS **Final Rule Stage**

Government Levels Affected: None

Additional Information: IA-181-84.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AG48

2779. REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28669
NPRM Comment Period End	08/29/88	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: IA-133-86

Drafting Attorney: Keith E. Stanley (202) 566-3367.

Reviewing Attorney: Charles M. Whedbee (202) 566-3422.

Treasury Attorney: Judge J. Kelley (202) 566-2175.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3367**

RIN: 1545–AJ05

2780. NOTICE OF PROPOSED RULEMAKING - AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP RETURN OF INCOME AND TRUST INCOME TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11103
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-29-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Greg Marich (202) 566-5453.

13 Income Taxes

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3637**

RIN: 1545–AL38

2781. EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Notice by cross-reference to temporary regulations under section 6081 of the Code relating to extension of time to file income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7783
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-461-87

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3499**

RIN: 1545–AM06

2782. INCOME TAX-DISCLOSURE OF RETURN INFORMATION TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF COMMERCE FOR CERTAIN STATISTICAL PURPOSES AND RELATED ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103 (j) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulation would disclose to the Bureau of the Census additional tax return information needed to help them determine whether an individual who itemizes is over 65.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 50243
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-42-88

Drafting attorney: Paul Winkler (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

13 Procedure and Information

Agency Contact: Paul W. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AM02

2783. DISCLOSURE OF INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103 (n) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These amendments to the regulations allow the Tax Division Department of Justice, to make Disclosures to third parties in connection with the Procurement of Litigation Support Services that are necessary for the effective Litigation of Tax Administration cases.

Timetable:

Action	Date	FR Cite
NPRM	01/03/89	54 FR 39
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: D-1398-88

Drafting attorney: James N. Beyer (202) 566-3074.

Reviewing attorney: Margo L. Stevens (202) 566-3074.

Agency Contact: James Beyer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., CC:D Room 3564, Washington, D.C. 20224, **202 566-3074**

RIN: 1545–AN01

2784. IDENTIFYING NUMBERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6109 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6109-1(c), (Revision)

Legal Deadline: None

Abstract: Amend regulations to delete requirement that payor sign affidavit on transmittal for information returns regarding solicitation of payee taxpayer identification numbers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-90-88

Drafting Attorney: Margaret A. Owens (202) 566-4430.

Reviewing Attorney: Karin G. Gross (202) 566-4430.

Procedure and Administration

Agency Contact: Margaret A. Owens, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4430**

RIN: 1545–AM44

2785. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-142-84.

Drafting attorney: Unassigned.

Reviewing attorney: Tom Luxner (202) 566-4495.

Agency Contact: Tom Luxner, Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4495**

RIN: 1545–AG45

2786. ● TREATY-BASED RETURN POSITIONS; FAILURE TO DISCLOSE TREATY-BASED RETURN POSITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6114 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers concerning compliance with the treaty-base return position disclosure requirements of section 6114 which was added to the Code by TAMRA.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-103-89

Drafting attorney: David Bergkuist (202) 566-3872.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3872**

RIN: 1545–AN43

2787. ● APPLICATION OF UNIFIED PARTNERSHIP AUDIT PROVISIONS OF TEFRA TO REMICS

Legal Authority: 26 USC 860G(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6221; 26 CFR 301.6222; 26 CFR 301.6223; 26 CFR 301.6224; 26 CFR 301.6225; 26 CFR 301.6226; 26 CFR 301.6227; 26 CFR 301.6228; 26 CFR 301.6229; 26 CFR 301.6230; 26 CFR 301.6231; 26 CFR 301.6232; 26 CFR 301.6233; 26 CFR 1.860F

Legal Deadline: None

Abstract: Public Law 99-514, Title VI, section 671(a) (October 22, 1986, 100 Stat. 2309) added sections 860A-860G of the Internal Revenue Code of 1986. These sections set forth the Federal income tax treatment of REMICs and of investors in REMICs, and provide that REMICs will generally be treated as partnerships. This project will apply the partnership audit provisions of sections 6221 through 6233 of the Internal Revenue Code (added by Public Law 97-248, Tax Equity and Fiscal Responsibility Act of 1982) to REMICs.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/29/89	

Small Entities Affected: Undetermined

TREAS—IRS

Final Rule Stage

Government Levels Affected: Undetermined

Additional Information: PS-048-89

Drafting attorney: William Galanis (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Agency Contact: William Galanis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9470

RIN: 1545–AN78

2788. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-205-82.

Drafting attorney: William Galanis (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: William Galanis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9470

RIN: 1545–AE51

2789. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment Period End	03/31/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-74-86.

Drafting attorney: William J. Gregg (202) 377-9470.

Reviewing attorney: Dianna K. Miosi (202) 566-4070.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-5453.

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9470

RIN: 1545–AJ99

2790. ● ADMINISTRATIVE APPEAL OF THE ERRONEOUS FILING OF NOTICE OF TAX LIEN

Legal Authority: 26 USC 6326 Internal Revenue Code of 1986 PL 100-647, sec. 6238

CFR Citation: 26 CFR 1.6326

Legal Deadline: None

Abstract: Section 6238 establishes a new section 6326 of the Internal Revenue Code. New section 6326 (a) provides that the Secretary shall prescribe regulations that provide for the Administrative Appeal of the filing of Notice of Federal Tax Lien. Section 6326 (b) provides that if the Secretary determines that the service has erroneously filed a Notice of Federal Tax Lien, the Secretary must expeditiously, and to the extent practicable within fourteen days after such determination, issues a certificate that must include a statement that the filing was erroneous. The regulations, will address what issues are appealable under section 6326, to when an appeal should be made, and the procedures for appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/08/89	54 FR 19578

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-161-89

Drafting Attorney: Kevin B. Connelly (202) 535-9684.

Reviewing Attorney: Robert A. Miller (202) 566-3117.

Agency Contact: Kevin Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 535-9634

RIN: 1545–AN07

2791. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a

federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
Temporary Regulation	11/30/85	
Temporary Regulation	05/13/87	52 FR 17949
NPRM	01/06/89	54 FR 428
Temporary Regulation	01/06/89	54 FR 400
NPRM Comment Period End	03/07/89	54 FR 428
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-291-84.

Drafting Attorney: Sharon L. Hall (202) 566-4430.

Reviewing Attorney: David Dickinson (202) 535-6964.

Treasury Attorney: Barksdale Penick (202) 566-6964.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AG95

2792. PROCEDURE AND ADMINISTRATIVE--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-72-86

Drafting attorney: Sharon L. Hall (202) 566-4430.

Reviewing attorney: David Dickinson (202) 535-9543.

Treasury attorney: Barksdale Penick (202) 566-6964.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AK12

2793. PROCEDURE AND ADMINISTRATIONS--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	54 FR 428
NPRM Comment Period End	03/07/89	54 FR 428
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-41-88

Drafting attorney: Sharon L. Hall (202) 566-4430.

Reviewing attorney: David Dickinson (202) 535-9543.

Treasury attorney: Barksdale Penick (202) 535-6964.

13 Procedure and Administration

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, 202 566-4430

RIN: 1545–AL66

2794. PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30177

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-34-87

Drafting attorney: John J. McGreevy (202) 566-4196.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4196

RIN: 1545–AK71

2795. ● ABATEMENT OF ANY PENALTY OR ADDITION TO TAX ATTRIBUTABLE TO ERRONEOUS WRITTEN ADVICE BY THE INTERNAL REVENUE SERVICE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986 PL 100-647 sec 6229; 26 USC 6404 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Other, Statutory, May 10, 1989.

Abstract: Regulations relating to the abatement of a portion of any penalty or addition to tax attributable to erroneous written advice furnished to a taxpayer by the I.R.S.

Timetable:

Action	Date	FR Cite
NPRM	05/16/89	54 FR 21073
NPRM Comment Period End	07/17/89	54 FR 21073

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

TREAS—IRS

Final Rule Stage

Additional Information: IA-024-89

Drafting Attorney: Stephen J. Toomey (202) 566-6320.

Reviewing Attorney: William Galanko (202) 566-4104.

Treasury Attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Stephen J. Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AN04

2796. PROCEDURE AND ADMINISTRATION REGULATIONS--EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-162-85.

Drafting attorney: Michael J. Grace (202) 566-6460.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6460

RIN: 1545–AI23

2797. PROCEDURE AND ADMINISTRATION REGULATIONS--MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-280-82.

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AF10

2798. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-180-84.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AG75

2799. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-228-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John Coulter (202) 566-3928.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Renay France, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AE37

2800. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34358

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-142-86.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Peter Frederick (202) 566-3825.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3627

RIN: 1545–AJ29

2801. PROCEDURE AND ADMINISTRATION--PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 405

Legal Deadline: None

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-24-87

Drafting attorney: Howard Garber (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-4430.

Agency Contact: Howard Garber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-4430

RIN: 1545–AL04

2802. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-3-85.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Peter J. Frederick (202) 566-3825.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AH91

2803. RECOVERY OF ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7430 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7430

Legal Deadline: None

Abstract: Section 6239 of the Technical and Miscellaneous Revenue Act expands section 7430 of the Internal Revenue Code to allow the recovery of administrative costs incurred after the earlier of the date of the receipt by the taxpayer of the notice of decision of the IRS Office of Appeals or the date of the notice of deficiency, if the taxpayer prevails against a position of the U.S. that is not substantially justified. The regulations will define essential terms in the statute and develop procedures to administer the statute.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/29/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: IA-3-89

Drafting attorney: Mark Ely (202) 343-2380.

Reviewing attorney: John Fischer (202) 566-8131.

Agency Contact: Mark H. Ely, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2380

RIN: 1545–AN02

2804. PROCEDURE AND ADMINISTRATION--AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-406-71

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal E. Sheldon (202) 566-3783.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AD42

2805. PROCEDURE AND ADMINISTRATION REGULATIONS--REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules relating to reimbursement to state and local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributed to recovery of taxes on illegal drug related activities.

Timetable:

Action	Date	FR Cite
NPRM	05/16/89	54 FR 21073
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: IA-6-89

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Procedure and Administration

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AN00

2806. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34230
NPRM Comment Period End	11/10/87	52 FR 34230
Hearing	06/15/88	
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-55-86.

Drafting attorney: Peter Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: P. Ann Fisher (202) 566-4439.

13 Income taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AH13

2807. EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Hearing	06/26/86	51 FR 15916
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AI21

2808. 50 % EXCISE TAX ON ANY GAIN REALIZED BY A PERSON WHO RECEIVES "GREENMAIL"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986; 26 USC 6001 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6061 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6091 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986

CFR Citation: 26 CFR 155, (New); 26 CFR 602

Legal Deadline: None

Abstract: Temporary regulations relating to the manner and method of reporting and paying the nondeductible 50 percent Excise Tax imposed with respect to the receipt of Greenmail

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-7-88

Drafting attorney: Warren Joseph (202) 566-4430.

Reviewing attorney: Karin G. Gross (202) 566-3889.

Treasury attorney: J. Judge Kelley (202) 566-8527.

Excise Taxes

Agency Contact: Warren Joseph, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AL47

2809. THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 168 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986; 26 USC 835 Internal Revenue Code of 1986; 25 USC 219 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 936 Internal Revenue Code of 1986; 26 USC 1296 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5.6(h)

Legal Deadline: None

Abstract: This document contains temporary regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-096-88

Drafting attorney: Grace Matuszeski (202) 343-2382.

Reviewing attorney: John Fischer (202) 566-8131.

Administration and Procedures

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2382

RIN: 1545–AM76

2810. ● TAXPAYER ASSISTANCE ORDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986 PL 100-647, Sec. 6230

CFR Citation: 26 CFR 301.7811

Legal Deadline: Final, Statutory, February 8, 1992.
Temporary regulation published as TD 8246 effective February 8, 1989, must be published as final regulations within three years.

Abstract: PL 100-647, section 7811, adds new section 7811 to the Internal Revenue Code. This section provides that upon application filed by a taxpayer with the Ombudsman's office, the Ombudsman may issue a taxpayer assistance order (TAO) upon a determination that a taxpayer is or is about to suffer a significant hardship as the result of how the internal revenue laws are being administered by the service. The temporary regulations discuss the form, manner and time for filing an application for assistance, the terms of a TAO, and the supervision of applicable periods of limitation.

Timetable:

Action	Date	FR Cite
NPRM	03/22/89	54 FR 11744

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-075-89

Drafting Attorney: Joseph W. Clark (202) 566-4574.

Reviewing Attorney: Robert Miller (202) 566-3117.

Agency Contact: Joseph W. Clark, Technical Assistant to ACC, (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-4574

RIN: 1545–AN14

2811. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-221-83.

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William Coppersmith (202) 566-3336.

Office of Tax Legislative Counsel: Elliot Stern (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AF77

2812. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the

TREAS—IRS **Final Rule Stage**

amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-165-84.

Drafting attorney: David B. Silber (202) 566-3432.

Reviewing attorney: Maura Sullivan (202) 566-3288.

Agency Contact: David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3432**

RIN: 1545–AH72

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

2813. TREATMENT OF EXEMPT-INTEREST DIVIDENDS AS TAX PREFERENCE ITEM

Legal Authority: 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 57 (a)(5) of the Internal Revenue Code of 1986 provides that regulations will be promulgated to explain that subsection. These regulations will fulfill that statutory mandate.

Timetable:

Action	Date	FR Cite
Closed without regulations	03/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-88

Drafting Attorney: William A. Galanko (202) 566-4104

Reviewing Attorney: Vincent Cardella (202) 566-4425

Treasury Attorney: Unassigned

Agency Contact: William A. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-4104**

RIN: 1545–AM39

2814. TO CLARIFY THE TERMS "BUILDING" AND "PLACED IN SERVICE" FOR PURPOSES OF SECTION 42

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides definition of the term "building", "placed in service", "eligible basis", etc.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-43-88

Drafting attorney: Donna Young (202) 566-4537.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Peg Henry (202) 535-6966.

13 Income Tax

Agency Contact: Donna Young, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-4537**

RIN: 1545–AM03

2815. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 41 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	48 FR 2790
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action T.D. 8251	05/17/89	54 FR 21203

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-236-81.

Drafting attorney: David S. Hudson (202) 566-4821.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Evelyn Brody (202) 535-6964.

Agency Contact: David S. Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4821**

RIN: 1545–AA07

2816. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8249	05/05/89	54 FR 19363

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-53-87

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AK21

2817. INCOME TAX--TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on the taxation and valuation of fringe benefits. The regulations will also address the requirements for certain fringe benefit exclusions, including nondiscrimination and line of business restrictions.

Timetable:

Action	Date	FR Cite
Hearing	04/16/85	50 FR 7072
NPRM	12/23/85	50 FR 52333
Interim Final Rule	12/23/85	50 FR 52281
NPRM Comment Period End	02/21/86	50 FR 52333
Hearing	03/03/86	51 FR 2898
Hearing	04/29/86	51 FR 8517
Final Action T.D. 8256	07/06/89	54 FR 28576

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-63-88

Drafting attorney: Richard Pavel (202) 566-3503.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-4747

RIN: 1545–AH73

2818. INCOME TAX--PRIZES AND AWARDS

Legal Authority: 26 USC 74 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 170 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will incorporate changes with respect to the tax treatment of prizes and awards and certain employee achievement awards. They will provide guidance so that effective designations and transfers of awards may be accomplished as well as rules with respect to allowance of exclusions and deductions for awards given in an employment context.

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	54 FR 627
NPRM Comment Period End	03/10/89	54 FR 627
Public Hearing	06/02/89	54 FR 18117
Closed without regulations	06/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-111-86.

Drafting Attorney: Johnnel St. Germain (202) 566-4430.

Reviewing Attorney: Karin Gross (202) 566-2175.

Treasury Attorney: Judge Kelley (202) 566-2175.

Regulations project transferred to Employee Benefits and Exempt Organizations.

Agency Contact: Johnnel St. Germain, Attorney Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4430

RIN: 1545–AJ19

2819. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The project provided temporary regulations relating to arbitrage restrictions on tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8252	05/15/89	54 FR 20787

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: FI-90-86

Drafting attorney: Elliot Stern (202) 566-2926

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: George Delduke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-4545

RIN: 1545–AJ81

2820. REGULATIONS UNDER SECTION 267 OF THE CODE TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 Internal Revenue Code of 1986; 26 USC 706 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-183-84.

Drafting attorney: Gerald A. Consalvi (202) 566-3886.

Reviewing attorney: George Baker (202) 566-9292.

Agency Contact: Gerald A. Consalvi, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3886**

RIN: 1545–AG11

2821. WITHHOLDING ON ACCOUNTS PAYABLE TO RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 (a) (3) Internal Revenue Code of 1986; 26 USC 163 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Withholding tax liability and deductibility of payments on accounts payable to related parties.

Timetable:

Action	Date	FR Cite
Closed Without regulations	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-390-88

Drafting attorney: James K. Sams (202) 377-9059.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9059**

RIN: 1545–AL97

2822. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property."

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	49 FR 42743
Second Hearing	03/04/86	51 FR 2898
Closed without regulations	02/28/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-145-84.

Drafting attorney: John E. Moffat (202) 566-6682.

Reviewing attorney: William J. Dwyer (202) 566-6511.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: John E. Moffat, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6682**

RIN: 1545–AG99

2823. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 7

Legal Deadline: None

Abstract: Temporary regulations would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8243	03/06/89	54 FR 9200
Temporary Regulation	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-991-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: M. Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AJ76

2824. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5c

Legal Deadline: None

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency,

thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Closed without Regulations	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-230-81.

Drafting attorney: Mark Schneider (202) 566-3544.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Agency Contact: Mark A. Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3544

RIN: 1545–AB28

2825. INCOME TAX--CROSS-REFERENCE-REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would provide regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Closed without Regulations	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-063-81.

Drafting attorney: Mark Schneider (202) 566-3544.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Agency Contact: Mark Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545–AB29

2826. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
Closed by Memo - No Regulations	03/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-83.

Drafting attorney: Suzanne K. Tank (202) 566-3050.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3050

RIN: 1545–AF81

2827. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986; 26 USC 413 (b) Internal Revenue Code of 1986; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	47 FR 54093
Closed by Closing Memorandum. No Regulations issued.	06/15/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-99-78.

Drafting attorney: Suzanne K. Tank (202) 566-3050.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3050

RIN: 1545–AD84

2828. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
Closed without regulations	05/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-143-83.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AF73

2829. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS : DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T; 26 CFR 602.101

Legal Deadline: Final, Statutory, May 12, 1992.
IRC 7805 (f)(2)

Abstract: Pursuant to the grant of regulatory authority in section 469(l), the regulations will define "activity".

Timetable:

Action	Date	FR Cite
Final Action T.D. 8253	05/12/89	54 FR 20576

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-48-87

Drafting attorney: Robert Stoddart (202) 566-4751.

Reviewing attorney: Michael J. Grace (202) 566-4751.

Treasury attorney: John H. Parcell (202) 535-6965.

13 Income Taxes

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4751

RIN: 1545–AK62

2830. CONSENT DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking concerning rules relating to section 565 to limit the availability of consent dividend procedure of section 565 to only those entities entitled to a dividend paid deduction under section 561.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	52 FR 47609
Final Action T.D. 8244	03/14/89	54 FR 10537

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-313-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL86

2831. REPEAL OF BAD DEBT RESERVE METHOD: FOREIGN ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will address issues applicable to international banks in recapturing bad debt reserves as required by the Tax Reform Act.

Timetable:

Action	Date	FR Cite
Closed without regulations	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-974-86

Drafting attorney: Charles T. Plambeck (202) 566-6284.

Reviewing attorney: Carolyn M. Dupuy (202) 566-6284.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6284

RIN: 1545–AL83

2832. INCOME TAX - APPLICATION OF EFFECTIVE DATE FOR NEW RULES REGARDING DEDUCTIONS FOR MEAL, TRAVEL, AND ENTERTAINMENT TO PARTNERSHIPS AND S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 702 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the effective date for new rules regarding deductions for meals, travel, and entertainment to partnerships and S corporations.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6670
Final Action T.D. 8247	04/05/89	54 FR 13679

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-29-87

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: Marshall D. Feiring (202) 566-4060.

Treasury Attorney: Susan Himes (202) 566-2565.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-8459

RIN: 1545–AK80

2833. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 817 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32664
NPRM Comment Period End	11/14/86	51 FR 32664
Hearing	07/01/87	
Final Action T.D. 8242	03/02/89	54 FR 8728

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-295-84.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Reviewing attorney: Stephen D. Hooe (202) 566-3294.

Treasury attorney: Donald Rocap (202) 566-8277.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AG79

2834. TREATMENT OF SALVAGE AND REINSURANCE IN DETERMINING LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the treatment of salvage and reinsurance recoverable in determining the paid and unpaid losses of property and casualty insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	01/05/88	53 FR 153
Hearing	08/31/88	53 FR 28018
Closed without regulations	08/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-65-87

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Jeanne Hoenicke (202) 566-2927.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AK49

2835. ● SOURCE OF FINANCIAL INSTRUMENTS - WITHHOLDING PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will clarify the source of gross income from certain financial products.

Timetable:

Action	Date	FR Cite
Closed Without regulations	05/11/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-245-89

Drafting attorney: Jeffrey Dorfman (202) 566-6284.

Reviewing attorney: Robert Katcher (202) 566-6284.

Treasury attorney: Rom Watson (202) 343-0247.

13 Income taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., 202 566-6284

RIN: 1545–AN36

2836. ● TRANSITION RULES FOR ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND RULES CONCERNING THE TREATMENT OF FINANCIAL ARRANGEMENTS THAT ALTER EFFECTIVE INTEREST EXPENSE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The interest allocation transition rules are a complex set of provisions, featuring a three-part phase-in scheme. Particular statutory provisions are eligible for extended relief from the generally applicable phase-in rule. The interest equivalent portion of the regulations deals with the impact of financial products on the total amount of interest expense that is subject to allocation.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8257	08/02/89	54 FR 31816

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-305-89

Drafting attorney: David Merrick (202) 566-6276.

Reviewing attorney: Charles Saverude (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: David Merrick, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6276

RIN: 1545–AN11

2837. TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32(T)

Legal Deadline: None

Abstract: When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events in (payment of dividend and declaration of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8245	03/16/89	54 FR 10980

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-81-88

Drafting attorney: Kenneth Cohen (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3484.

13 Income Tax

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AM36

2838. BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 35a

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to incorrect TIN.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/11/89	54 FR 14341
Final Action T.D. 8248	04/11/89	54 FR 14341

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-8-88

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John Coulter (202) 566-3928.

Treasury attorney: Andrew Dubroff (202) 566-4902.

13 Income Taxes

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AL48

2839. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
Closed- Incorporated into PS-17-86.	07/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-30-83.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4077

RIN: 1545–AF61

2840. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Closed - Incorporated into PS-17-86.	07/13/89	
Temporary Regulation	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-142-83.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4077

RIN: 1545–AF79

2841. EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Regulations to repeal extension of time to file income tax returns for taxpayers traveling outside the United States and Puerto Rico.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8241	02/23/89	54 FR 7762

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-287-88

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AM07

2842. ADMINISTRATIVE APPEAL OF THE FILING OF NOTICE OF FEDERAL TAX LIEN

Significance: Agency Priority

Legal Authority: PL 100-647, Sec 6238; 26 USC 6326

CFR Citation: 26 CFR 1.6326

Legal Deadline: NPRM, Statutory, May 9, 1989.

Abstract: Section 6238 establishes a new section 6326 of the Internal Revenue Code. The new section 6326 (a) provides that the Secretary shall prescribe regulations that provide for the administrative appeal of the filing of notice of Federal tax lien. Section 6326 (b) provides that if the Secretary determines that the Service has erroneously filed a Federal tax lien, the Secretary must expeditiously and to the extent practicable, within 14 days after such determination, issue a certificate of release of the lien. This certificate must include a statement that the filing was erroneous. We currently are in the process of drafting regulations pursuant to section 6326. The regulations will address what issues are appealable under section 6326, to whom an appeal should be made, and the procedures for appeal.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8250	05/08/89	54 FR 19568

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-704-88

Drafting attorney: Kevin B. Connelly (202) 535-9684.

Reviewing attorney: Robert A. Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Kevin B. Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 535-9684**

RIN: 1545–AM62

2843. ABATEMENT OF PENALTIES OR ADDITIONS TO TAX ATTRIBUTABLE TO ERRONEOUS WRITTEN ADVICE OF INTERNAL REVENUE SERVICE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6229; 26 USC 6404 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Other, Statutory, May 10, 1989.

Abstract: These regulations relate to the abatement of a portion of any penalty or addition to tax attributable to erroneous written advice furnished to a taxpayer by the Internal Revenue Service. The regulations will provide a definition for the term "advice", and will provide procedures that must be followed to obtain an abatement.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8254	05/16/89	54 FR 21055

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: IA-103-88

Drafting Attorney: Stephen J. Toomey (202) 566-6320.

Reviewing Attorney: William Galanko (202) 566-4104.

Abatement of penalties

Agency Contact: Steve Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-6320**

RIN: 1545–AM47

2844. PROCEDURE AND ADMINISTRATION REGULATIONS--REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules relating to reimbursement to State and Local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributes to recovery of taxes on illegal drug related activities.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8255	05/16/89	54 FR 21053

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: IA-95-88

Drafting Attorney: Gail M. Winkler (202) 566-4442.

Reviewing Attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Procedure and Administration

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4442**

RIN: 1545–AM45

2845. ● ELECTIONS UNDER 88 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245(a)(10) Internal Revenue Code of 1986; 26 USC 865(f) Internal Revenue Code of 1986; 26 USC 865(g)(3) Internal Revenue Code of 1986; 26 USC 865(h)(2) Internal Revenue Code of 1986; 26 USC 936 Internal Revenue Code of 1986; 26 USC 904(g)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 5H; 26 CFR 602

Legal Deadline: None

Abstract: This regulation project included material that is to be covered in IA-96-88 when it is published.

Timetable:

Action	Date	FR Cite
Closed without Regulations. Included in IA-96-88	06/16/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-127-89

Drafting attorney: Leslie A. Cracraft (202) 566-6276.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Leslie A. Cracraft, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6276**

RIN: 1545–AN50

2846. TAXPAYER ASSISTANCE ORDERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6230

CFR Citation: 26 CFR 1.7811

Legal Deadline: Other, Statutory, February 8, 1989.
February 8, 1989. 90 days from date on which PL 100-69 was enacted (11-10-88).

Abstract: PL 100-647, Sec. 7811, adds new section 7811 to the Internal Revenue Code. This section provides that upon application filed by a taxpayer with the Ombudsman's office, the Ombudsman may issue a taxpayer assistance order (TAO) upon a determination that the taxpayer is or about to suffer a significant hardship as a result of how the internal revenue laws are being administered by the Service. The implemental regulations will discuss the form, manner and time for filing an application for assistance, the terms of a TAO, and the suspension of applicable periods of limitation.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8246	03/22/89	54 FR 11699

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-703-88

Drafting attorney: Joseph W. Clark (202) 566-4574.

Reviewing attorney: Robert Miller (202) 566-3117.

Procedure and Administration

Agency Contact: Joseph W. Clark, Technical Assistant to the Chief Counsel, (General Litigation), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4574

RIN: 1545–AM61

[FR Doc. 89-21730 Filed 10-27-89; 8:45 am]
BILLING CODE 4830-01-T

Federal Register

Monday
October 30, 1989

Part XVI

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Department of Veterans Affairs.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs will have under review, development, or revision during the 12-month period from October 1989 to October 1990. The purpose in publishing the Department's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual Department contact listed for each regulation or by writing to: Paperwork Management and Regulations Service (70Y731), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: 38 CFR: M'Liz McLendon, (202) 233-3770; 48 CFR Chapter 8: Sunny Huff, (202) 233-4240.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year an agenda of regulations under development and review.

The Department of Veterans Affairs has no regulations considered major under the terms of Executive Order 12291; however, all of this Department's proposed rules and current rules under review, except those considered to be internal Department policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

This agenda has been prepared in accordance with OMB Bulletin 89-12.

Dated: August 25, 1989.
By direction of the Secretary.

Michael J. Herway,

Deputy Assistant Secretary for Information Resources Management.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2847	Schedule for Rating Disabilities; Genitourinary System Disabilities	2900-AE11

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2848	Disposition of Veteran's Personal Funds and Effects on Facility upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Facility	2900-AB61
2849	Transportation of Claimants and Beneficiaries	2900-AC70
2850	Grants to States for State Extended Care Facilities	2900-AD16
2851	Expanded Eligibility for 30-40 Percent Service-Connected Veterans	2900-AD41
2852	Treatment of U.S. Veterans Who Are Not U.S. Citizens	2900-AD45
2853	Increasing the Domiciliary Income Limitation	2900-AD46
2854	Providing Emergency Hospital Care to Community Nursing Home Patients	2900-AD47
2855	Operation of Child Care Centers at VA Facilities	2900-AD48
2856	Confidential Quality Assurance Program Records and Documents	2900-AD73
2857	Confidentiality of Tort Claim Peer Review	2900-AE06
2858	Reporting Health Care Professionals to Licensing and Monitoring Entities	2900-AE27
2859	Confidentiality of Certain Medical Records	2900-AE28
2860	Employee Fiduciaries	2900-AB50
2861	1. Veterans Services Officer (VSO) to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
2862	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
2863	Veterans Education; Federal Equal Opportunity Laws	2900-AC52
2864	Extension of Time Limit for Claims	2900-AC61
2865	Compliance with Civil Rights Provisions	2900-AC72
2866	Training Outside of State Under 38 CFR 21.130	2900-AC73
2867	Loans to Purchase Manufactured Homes	2900-AC85
2868	VA Home Loan Credit Standards; New SAH Grant	2900-AC90
2869	Qualification Requirements for Department of Veterans Affairs Fee Appraisers	2900-AD32
2870	Loan Guaranty: Approval and Withdrawal of Automatic Processing Privilege	2900-AD33
2871	Allowable Fees and Charges for Department of Veterans Affairs Guaranteed Loans	2900-AD34
2872	Full Disclosure of Beneficiary's Income and Assets	2900-AD35

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2873	Basic Eligibility Determinations: Education	2900-AD60
2874	Reservists Education; Veterans' Benefits and Services Act of 1988 and the Montgomery GI Bill	2900-AD68
2875	Definition of Former Prisoner of War	2900-AD71
2876	Authority of Fiduciaries to Conduct Insurance Transactions	2900-AD74
2877	Extension of Vocational Programs for Seriously Disabled Veterans	2900-AD76
2878	Extension of Eligibility Because of the Disabling Effects of Chronic Alcoholism	2900-AD77
2879	On Job Training in Non-Federal Agencies on a Nominal Pay Basis	2900-AD79
2880	Use of For-Profit Agencies	2900-AD80
2881	Veterans Education; State Approving Agencies and the Montgomery GI Bill-Selected Reserve	2900-AD81
2882	Veterans and Dependents Education; The Veterans' Benefits and Programs Improvement Act	2900-AD84
2883	Veterans Education; The Veterans' Benefits and Programs Improvement Act and VEAP	2900-AD85
2884	Reservists Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD89
2885	Implementation of Pub. L. 100-198 Concerning Changes in Amount of Entitlement, Calculation of Guaranty Amount, Occupancy Requirements, and Requirements for Refinancing Loans	2900-AD91
2886	Require Holder to Retain Records for One Year; Eliminate Minimum Property Standards	2900-AD92
2887	Waiver/Compromise of Debts Established as Result of Foreclosure	2900-AD94
2888	Independent Medical Opinions	2900-AD96
2889	Exclusions from Income	2900-AD97
2890	Veterans Education Increase in Rates Payable in the Educational Assistance Test Program (EATP)	2900-AE08
2891	Reservists Education; Implementation of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986	2900-AE10
2892	Claims Based on Exposure to Herbicides Containing Dioxin	2900-AE12
2893	Loan Guaranty: Servicing Requirements for VA Guaranteed Loans	2900-AE19
2894	Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA	2900-AE20
2895	Loan Guaranty: Discrimination on the Basis of Handicap or Family Status	2900-AE21
2896	New and Material Evidence	2900-AE22
2897	VA Assistance in Developing Claims	2900-AE23
2898	Failure to Report for VA Examination	2900-AE24
2899	Exchange Rates for Foreign Currencies	2900-AE25
2900	Mitigating Circumstances	2900-AE26
2901	Veterans Education; Qualifying for the Montgomery GI Bill Through Service in the Selected Reserve	2900-AE31
2902	Group Memorial Monuments	2900-AE13
2903	Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities	2900-AB51
2904	Suits Against Department of Veterans Affairs Employees	2900-AD72
2905	Recognition of Organizations, Representatives, Agents, and Attorneys	2900-AE15
2906	Standards for Program Evaluation	2900-AE30

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2907	Contract Medical Care	2900-AC31
2908	Nondiscrimination Against Alcohol and Drug Abusers and Persons Infected with HIV	2900-AD49
2909	Federal Policy for the Protection of Human Subjects	2900-AE29
2910	Claims Based on Exposure to Ionizing Radiation or Dioxin	2900-AB64
2911	Determining Entitlement Usage Under the Vocational Rehabilitation Program	2900-AC08
2912	1. Apportionment of Benefits to Dependents 2. Payment of Cost of Veteran's Maintenance in Institution 3. Recommendation for Payment	2900-AC10
2913	Procedural Due Process	2900-AC54
2914	Suspension of Individual Employees of Manufactured Home Dealers	2900-AC83
2915	Due Process	2900-AD27
2916	Placing Use of the Vocational Rehabilitation Panel on a Discretionary Basis	2900-AD29
2917	Assumption of VA Guaranteed Loans	2900-AD30
2918	Processing of VA Appraisals by Designated Lenders	2900-AD31
2919	Determination of Service-Connection for Impaired Hearing	2900-AD54
2920	Veterans Education; Payments During Breaks in Enrollment	2900-AD59
2921	Veterans Education; Restrictions on Making VEAP Payments to Servicepersons	2900-AD62
2922	Veterans Education; Veterans Employment, Training and Counseling Amendments of 1988	2900-AD63
292'	Verbal Authorization of Premium Actions	2900-AD75
2924	Dependents Education; Eligibility of Stepchildren	2900-AD82

VA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2925	Veterans Education; State Approving Agencies and VEAP	2900-AD88
2926	Definition of Marginal Employment	2900-AD99
2927	Duty Periods	2900-AE01
2928	Veterans Education: Implementation of the Veteran Benefits Improvement and Health Care Authorization Act of 1986 and new GI Bill Continuation Act of 1987	2900-AE03
2929	Veterans Education; Disabling Effects of Chronic Alcoholism	2900-AE05
2930	Department of Veterans Affairs Acquisition Regulation - Consulting Service	2900-AC86
2931	Acquisition Regulation; Construction Contracting Procedures	2900-AC87
2932	Acquisition Regulation: Contractor Qualifications	2900-AE16
2933	Acquisition Regulation: Sealed Bidding	2900-AE17
2934	Acquisition Regulation: Contracting by Negotiation	2900-AE18
2935	Appeals Regulations and Rules of Practice; Cutoff Date for Acceptance of Evidence	2900-AD14
2936	Appeals Regulation: Rules of Practice	2900-AE02
2937	Committee on Waivers and Compromises	2900-AD50
2938	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities	2900-AB87
2939	Suits Against VA Employees Arising Out of Common Law Torts and Based Upon Medical Care and Treatment Furnished in or by VHS&RA	2900-AE14
2940	Release of VA Lists of Names and Addresses and Penalty Procedures for Unauthorized Use	2900-AC63
2941	Predisclosure of Confidential Commercial Information	2900-AD09

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2942	Community Residential Care	2900-AB32
2943	Quality Assurance Confidentiality	2900-AC27
2944	Department of Veterans Affairs Health Professional Scholarship Program	2900-AC66
2945	Eligibility for Dental Care for Former POWs	2900-AD43
2946	Recreation Facilities to be Considered Department of Veterans Affairs Facilities	2900-AD44
2947	Employment Services for Certain Eligible Veterans	2900-AB89
2948	Providing an Initial Evaluation for a Veteran not Residing in a State	2900-AC46
2949	Veterans Education; Amendments Needed to Implement Pub. L. 99-576	2900-AC76
2950	Definition of Fraud	2900-AD19
2951	Payment of Guaranty Claims	2900-AD39
2952	Diseases Subject to Presumptive Service-Connection	2900-AD53
2953	Veterans Education; Procedural Protections Following Loss of Dependent	2900-AD58
2954	Optional Settlements on Insurance--Calculations	2900-AD65
2955	Extension of the Temporary Program for Trial Work Period and Rehabilitation	2900-AD78
2956	Veterans Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD83
2957	Veterans Education; Procedural Due Process	2900-AD86
2958	Veterans Education; Eligibility for Dependents' Educational Assistance	2900-AD87
2959	Combined Ratings Table	2900-AD90
2960	Loan Guaranty: Determination of Net Value	2900-AD93
2961	Benefits at DIC Rates in Certain Cases When Death is Not Service-Connected	2900-AD98
2962	Evaluation of Studies Relating to Health Effects of Dioxin and Radiation Exposure	2900-AE09
2963	VA Acquisition Regulation: Bonds, Insurance, and Taxes	2900-AE00
2964	Acquisition Regulation: Packaging Requirements; Estimated Quantities	2900-AE04
2965	Acquisition Regulation: Internal Management of the Department of Veterans Affairs Acquisition System	2900-AE07
2966	Appeals Regulations and Rules of Practice- Status of Legal Interns, Law Students and Paralegals	2900-AC11
2967	Appeals Regulations and Rules of Practice - Hearing Date	2900-AC88
2968	Inventions by Employees of the Department of Veterans Affairs, Authority Delegations	2900-AD51

DEPARTMENT OF VETERANS AFFAIRS (VA)

Prerule Stage

VETERANS BENEFITS ADMINISTRATION

2847. ● SCHEDULE FOR RATING DISABILITIES; GENITOURINARY SYSTEM DISABILITIES

Legal Authority: 38 USC 355

CFR Citation: 38 CFR 4.115; 38 CFR 4.115a

Legal Deadline: None

Abstract: These amendments will contain additions, deletions and revisions of terminology resulting from a systematic review of the medical criteria used to evaluate disabilities of the genitourinary system.

Timetable:

Action	Date	FR Cite
ANPRM	08/21/89	54 FR 34531
ANPRM Comment Period End	10/20/89	54 FR 34531
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE11

DEPARTMENT OF VETERANS AFFAIRS (VA)

Proposed Rule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

2848. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a Department of Veterans Affairs facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any Department of Veterans Affairs facility or any hospital, while being furnished care or treatment therein by VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AB61

2849. TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.100

Legal Deadline: None

Abstract: These proposed regulations will implement Section 108 of Pub. L. 100-322 which provides that the Secretary of the Department of Veterans Affairs shall make payments for travel during the fiscal year for examination, treatment or care for which the person is eligible or in connection with vocational rehabilitation provided pursuant to Chapter 31 of Title 38, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul C. Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AC70

2850. GRANTS TO STATES FOR STATE EXTENDED CARE FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 100-322

CFR Citation: 38 CFR 17.170 to 17.177

Legal Deadline: None

Abstract: Pub. L. 100-322 changed the date of the priority list for applications from July 1 to August 15. The Secretary is provided authority to conditionally award construction grants. If a state does not complete requirements within 90 days after conditional approval, funds will be deobligated. These proposed regulations will implement that change. Construction standards in 38 CFR 17.177 are being totally reformatted, revised and updated. The veteran population in 38 CFR 17.171 Appendix A is being updated to reflect the current information. Additionally, provisions are being established to handle large grant requests where one project may exceed the annual appropriation. Requests for projects exceeding one-half the annual appropriation will receive lower priority on the list and may be partially funded if funds are available, the project ranks high enough on the priority list for Federal funds, and the State accepts a smaller grant.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Brent Baker, Chief, State Home Construction Grants, Ofc of Geriatrics and Extended Care (182C), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3679

RIN: 2900–AD16

2851. EXPANDED ELIGIBILITY FOR 30-40 PERCENT SERVICE-CONNECTED VETERANS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.60

Legal Deadline: None

Abstract: The proposed regulations will implement the provisions in Section 101 of Pub. L. 100-322 which provides that outpatient medical services on an ambulatory or outpatient basis shall be furnished to a specified group of veterans in preparation for hospital admission or to obviate the need for hospital admission.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD41

2852. TREATMENT OF U.S. VETERANS WHO ARE NOT U.S. CITIZENS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: The proposed regulations implement Section 105 of Pub. L. 100-322 which provides that a veteran residing in Canada, who is eligible for hospital care and medical services, is provided such care and services for a service-connected condition or as a part of a rehabilitation program under Chapter 31 of Title 38, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD45

2853. INCREASING THE DOMICILIARY INCOME LIMITATION

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.47; 38 CFR 17.48

Legal Deadline: None

Abstract: The proposed regulations implement Section 102 of Pub. L. 100-322 which provides that domiciliary care may be provided to veterans whose incomes do not exceed the maximum applicable rate of pension for a veteran in need of regular aid and attendance.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD46

2854. PROVIDING EMERGENCY HOSPITAL CARE TO COMMUNITY NURSING HOME PATIENTS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.50b(3)

Legal Deadline: None

Abstract: These proposed regulations implement Section 104 of Pub. L. 100-322 which provides that hospital care for the treatment of medical emergencies is authorized for veterans receiving care in a community nursing home until such time as the veteran can be safely transferred to a VA facility.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD47

2855. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES

Legal Authority: PL 100-322, Sec 412

CFR Citation: 38 CFR 17.162

Legal Deadline: None

Abstract: Section 412 of Pub. L. 100-322 authorizes the Veterans Canteen Service to operate child care centers at VA facilities. The centers will be established based on the demand for care and to the extent that such operation is practical and in the best interest of VA. The centers will be available for the children of VA employees and, to the extent space is available, the children of other Federal and Department of Veterans Affairs affiliated employees. Also, these centers should provide an incentive for personnel recruitment. The proposed regulations will prescribe the requirements and standards for the operation of VA child care centers.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Brenda L. Jenkins, Actng Dir, Ofc of Child Care Svcs (133H), Veterans Canteen Service, Department of Veterans Affairs, Veterans Health Svcs. & Research

Admin., 810 Vermont Avenue, NW, Washington, DC 20420, **202 376-8149**

RIN: 2900–AD48

2856. CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151

CFR Citation: 38 CFR 17.500; 38 CFR 17.506; 38 CFR 17.507(a)(4); 38 CFR 17.508; 38 CFR 17.509; 38 CFR 17.515; 38 CFR 17.516; 38 CFR 17.519

Legal Deadline: None

Abstract: 38 USC 3305 prohibits VA from designating any Quality Assurance (QA) program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Final regulations implementing 38 USC 3305 were made effective October 22, 1982. Those regulations govern VA's QA program activities and records and documents which are made confidential and privileged. Proposed rules amending 38 CFR 17.500-17.534 were issued in the Federal Register on October 27, 1988, and the public comment period ended November 38, 1988. One commenter suggested a change to those regulations that could not be accepted by VA without public comment. Therefore, VA is proposing to reorganize the description of the continuous monitoring functions, streamline programmatic QA requirements for the medical facilities and update requirements according to new standards.

Timetable:

Action	Date	FR Cite
NPRM	01/02/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Lubran, Chief, System Review Staff (10Q), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3115**

RIN: 2900–AD73

2857. ● CONFIDENTIALITY OF TORT CLAIM PEER REVIEW

Legal Authority: 38 USC 3305

CFR Citation: 38 CFR 17.501 to 17.534

Legal Deadline: None

Abstract: These regulations will make confidential the results of the peer review of medical care provided in cases where malpractice is alleged.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39418
NPRM Comment Period End	10/26/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Agatha Francis, Health Science Officer, Ofc of Medical Inspector (10A6), Department of Veterans Affairs, Veterans Health Svcs. & Res. Admin., 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-5418**

RIN: 2900–AE06

2858. ● REPORTING HEALTH CARE PROFESSIONALS TO LICENSING AND MONITORING ENTITIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17

Legal Deadline: None

Abstract: This regulation will specify the requirements for reporting licensed health care professionals to licensing and monitoring entities. It will also state the criteria to be used in determining who should be reported to licensing and monitoring entities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Agatha J. Francis, Health Science Officer (10A6), Office of the Medical Inspector, Department of Veterans Affairs, Veterans Health Svcs & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-5417**

RIN: 2900–AE27

2859. ● CONFIDENTIALITY OF CERTAIN MEDICAL RECORDS

Legal Authority: 38 USC 4132

CFR Citation: 38 CFR 1.460-499

Legal Deadline: None

Abstract: These regulations address the confidentiality of VA records pertaining to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), and sickle cell anemia treatment, rehabilitation, education, training, evaluation and research information.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-2504**

RIN: 2900–AE28

VETERANS BENEFITS ADMINISTRATION

2860. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of Department of Veterans Affairs benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900–AB50

VA

Proposed Rule Stage

2861. 1. VETERANS SERVICES OFFICER (VSO) TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900–AB75

2862. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of Department of Veterans Affairs benefits that may be paid to spouse payee. The intended change broadens the class of payments to include Department of Veterans Affairs insurance. 38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900–AB76

2863. VETERANS EDUCATION; FEDERAL EQUAL OPPORTUNITY LAWS

Legal Authority: 42 USC 2000d; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4300; 38 CFR 21.4301; 38 CFR 21.4302; 38 CFR 21.4304; 38 CFR 21.4305; 38 CFR 21.4306; 38 CFR 21.4307; 38 CFR 21.4135

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to rescind several regulations. These regulations concern the implementation of Title VI, Civil Rights Act of 1964 in the education programs which VA administers. The regulations either conflict with or repeat unnecessarily other regulations which deal with the implementation of that Act. Rescinding these regulations will eliminate any confusion in the public's perception of the way VA is implementing this Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AC52

2864. EXTENSION OF TIME LIMIT FOR CLAIMS

Legal Authority: 38 USC 3013

CFR Citation: 38 CFR 21.32

Legal Deadline: None

Abstract: Under current rules a veteran's request for assistance under the vocational rehabilitation program may be adversely affected if the veteran fails to timely provide information requested by VA even if VA did not inform the veteran of the time limits for providing the information requested. VA is proposing to change these rules to extend the period during which evidence may be submitted if VA did not inform the veteran of the time limits for submitting the requested information.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40687
NPRM Comment Period End	11/02/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AC61

2865. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: Compliance with civil rights provisions require that payment of benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in noncompliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Department of Veterans Affairs. We propose to amend 38 CFR 21.324 to reflect this new requirement.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AC72

2866. TRAINING OUTSIDE OF STATE UNDER 38 CFR 21.130

Legal Authority: 38 USC 1514

CFR Citation: 38 CFR 21.130

Legal Deadline: None

Abstract: The provision of training outside a State is subject to certain limitations not applicable to training pursued within the United States. VA is proposing to amend these provisions in the case of veterans who wish to become employed outside the United States. The purpose of the change is to help assure that vocational rehabilitation services lead to suitable employment given the special problems inherent in providing vocational rehabilitation programs outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AC73

2867. LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4283

Legal Deadline: None

Abstract: A number of regulatory changes will be proposed for the VA manufactured home loan program. VA would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of the VA's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3042**

RIN: 2900–AC85

2868. VA HOME LOAN CREDIT STANDARDS; NEW SAH GRANT

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq.; 38 CFR 4300 et seq.; 38 CFR 4400 et seq.

Legal Deadline: None

Abstract: Regulations will be amended to implement the requirements of Public Law 99-576. The new law adds a new specially adapted housing grant purpose and requires that Department of Veterans Affairs home loan credit standards be in regulatory form.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3042**

RIN: 2900–AC90

2869. QUALIFICATION REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS FEE APPRAISERS

Legal Authority: 38 USC 210(c); 38 USC 1831; PL 100-198

CFR Citation: 38 CFR 36.4339

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that certain standards for being designated as a fee appraiser be published in regulatory form. The standards are to include the successful completion of a written test, submission of a sample appraisal, certification of an appropriate number of years of experience as an appraiser, and submission of recommendations from other appraisers. In the past, such requirements have been published in administrative issues other than regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction, and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2691**

RIN: 2900–AD32

2870. LOAN GUARANTY: APPROVAL AND WITHDRAWAL OF AUTOMATIC PROCESSING PRIVILEGE

Legal Authority: 38 USC 210(c); 38 USC 1802(d)

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4300

Legal Deadline: None

Abstract: The Department of Veterans Affairs may grant lenders the authority to process loans on the automatic basis if they meet requirements set by VA. Currently these requirements are published in administrative issues with release to program participants. The proposed regulations will place the requirements in regulatory form to ensure proper notice. The requirements will include minimums for such items as working capital, experience of the firm and/or principal officers and its

underwriters. These regulations will apply to lenders such as mortgage bankers who are not already under supervision by State or Federal entities. These regulations will also prescribe standards and procedures for withdrawal of the automatic processing authority.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AD33

2871. ALLOWABLE FEES AND CHARGES FOR DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(d)

CFR Citation: 38 CFR 36.4312; 38 CFR 36.4254

Legal Deadline: None

Abstract: Regulations allow the veteran obtaining a Department of Veterans Affairs guaranteed loan to pay the lender making the loan a one percent origination fee to cover the processing of the loan. Any other discount points required by the lender are to be paid by someone other than the veteran except in those cases where it is specifically allowed, such as refinancing loans. This regulation would clarify the instances in which a veteran may or may not pay discount points. This regulation change would also clarify that discount points may not be paid by the veteran (except when specifically allowed) to anyone, including the lender, seller or other concerned party.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AD34

2872. FULL DISCLOSURE OF BENEFICIARY'S INCOME AND ASSETS

Legal Authority: PL 99-576, Sec 505; 38 USC 3202(b)

CFR Citation: 38 CFR 13.58(b)(2)(iii); 38 CFR 13.59(a); 38 CFR 13.100(a)(1); 38 CFR 13.102(b); 38 CFR 13.104(a)

Legal Deadline: None

Abstract: Federally appointed fiduciaries are not required, except under very specific circumstances, to divulge non-VA income and assets belonging to the incompetent beneficiary. It is difficult to assess whether the fiduciary is using the beneficiary's VA assets appropriately unless placed in the context of total income and assets available. The purpose of these changes is to lessen the potential for fraud, waste and abuse. 38 CFR 13.58(b)(2) and 13.59(a) detail the responsibilities of legal custodians and court-appointed guardians respectively. They would be amended to require the reporting of non-VA assets. 38 CFR 13.100(a)(1) defines the authority of the Veterans Services Officer to supervise fiduciaries. The intended change would permit the Veterans Services Officer to request non-VA financial information from fiduciaries. 38 CFR 13.102(b) and 13.104(b) define the accountability of legal custodians and court-appointed guardians respectively. The intended change requires disclosure of non-VA financial information.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence J. Timko, Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AD35

2873. BASIC ELIGIBILITY DETERMINATIONS: EDUCATION

Legal Authority: 38 USC 1411(a); 38 USC 1412(b); 38 USC 1602; 38 USC 1652(a)

CFR Citation: 38 CFR 3.315

Legal Deadline: None

Abstract: VA has a regulation which provides authority and guidelines for making service-connected discharge determinations needed to determine eligibility for VA benefits. On November 18, 1988, VA proposed an amended regulation to determine when this determination must be made for a veteran who has applied for benefits under the Montgomery GI Bill-Active Duty. Subsequently, legislation was enacted which requires this determination for some reservists under the Montgomery GI Bill-Selected Reserve. VA will combine the two requirements and publish the regulation for further comment.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	54 FR 40684
NPRM Comment Period End	11/02/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD60

2874. RESERVISTS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE MONTGOMERY GI BILL

Legal Authority: 10 USC 2136(b); 38 USC 1788

CFR Citation: 38 CFR 21.7670; 38 CFR 21.7672

Legal Deadline: None

Abstract: The Veterans Benefits and Services Act of 1988 contains a provision which changes the method of measuring laboratory sessions for the purpose of paying educational benefits. The definition of standard class session is also changed. This proposal will

bring the pertinent regulation governing the Montgomery GI Bill into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD68

2875. DEFINITION OF FORMER PRISONER OF WAR

Legal Authority: PL 100-322

CFR Citation: 38 CFR 3.1(y)

Legal Deadline: None

Abstract: This amendment gives VA the authority to make determinations on prisoner of war status for persons interned during wartime by neutral or allied governments. This expands the class of persons eligible to be declared former prisoners of war.

Timetable:

Action	Date	FR Cite
NPRM	11/18/88	53 FR 46634
NPRM Comment Period End	12/19/88	53 FR 46634
New NPRM	10/03/89	54 FR 40686
New NPRM Comment Period End	11/02/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Leonard, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD71

2876. AUTHORITY OF FIDUCIARIES TO CONDUCT INSURANCE TRANSACTIONS

Legal Authority: 38 USC 706; 38 USC 744

CFR Citation: 38 CFR 6.211; 38 CFR 8.119

Legal Deadline: None

Abstract: Under current procedures, State appointed fiduciaries may perform insurance transactions, e.g., apply for coverage or reinstate a policy, on behalf of incapacitated veterans. The ability of a fiduciary to perform a particular transaction is dependent on the authority granted to the fiduciary by State law. Such authority varies from State to State. Because of this, before any insurance transaction can be completed it must first be determined whether the fiduciary is authorized by State law to conduct the particular transaction. This entails referring the matter to a District Counsel for review. This process is time consuming and delays rendering service to our policyholders. In order to alleviate this problem and to establish a consistent approach regarding the powers of State-appointed fiduciaries, as well as federally appointed fiduciaries as they pertain to government life insurance transactions only, we are proposing regulations which will clarify and enunciate such powers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Insurance Specialist/Attorney (290B), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AD74

2877. EXTENSION OF VOCATIONAL PROGRAMS FOR SERIOUSLY DISABLED VETERANS

Legal Authority: PL 100-687, Sec 1303; PL 100-227, Sec 202

CFR Citation: 38 CFR 21.6001; 38 CFR 21.6005; 38 CFR 21.6015; 38 CFR 21.6021; 38 CFR 21.6040; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6054; 38 CFR 21.6059

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is proposing to amend its regulations governing two programs which provide vocational service to seriously disabled veterans receiving pension or individual unemployability benefits from VA. These changes are required because recent legislation extended both programs through January 31, 1992, and revised eligibility criteria for participation. The intended effect of these amendments is to make these programs available to an expanded group of veterans in receipt of pension from VA and eliminate the mandatory participation requirement for veterans awarded individual unemployability benefits on or after February 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD76

2878. EXTENSION OF ELIGIBILITY BECAUSE OF THE DISABLING EFFECTS OF CHRONIC ALCOHOLISM

Legal Authority: PL 100-689, Sec 109

CFR Citation: 38 CFR 21.42

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions under which the period of eligibility of a veteran requesting assistance under the vocational rehabilitation program may be extended for the period during which the veteran could not participate in a program because of the disabling effects of chronic alcoholism. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD77

2879. ON JOB TRAINING IN NON-FEDERAL AGENCIES ON A NOMINAL PAY BASIS

Legal Authority: PL 100-689, Sec 201

CFR Citation: 38 CFR 21.296; 38 CFR 21.299

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions which allow the establishment of programs of training and work experience on a nonpay or nominal pay basis in state and local government agencies. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD79

2880. USE OF FOR-PROFIT AGENCIES

Legal Authority: PL 100-689, Sec 202

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294; 38 CFR 21.252

Legal Deadline: None

Abstract: The Veterans' Benefits Programs and Improvement Act of 1988 contains provisions which allow VA to utilize for-profit agencies to provide independent living services and employment services under certain conditions. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD80

2881. VETERANS EDUCATION; STATE APPROVING AGENCIES AND THE MONTGOMERY GI BILL-SELECTED RESERVE

Legal Authority: 10 USC 2136; 38 USC 1774A

CFR Citation: 38 CFR 21.7700

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains several provisions which affect the Department of Veterans Affairs relationships with the state approving agencies. This amendment will state that in administering Chapter 106, Title 10, United States Code, the Department of Veterans Affairs will apply the provisions of that new section in the same manner that it will be applied in the administration of 38 U.S.C. Chapters 34 and 36.

Timetable:

Action	Date	FR Cite
NPRM	09/25/89	54 FR 39207
NPRM Comment Period End	10/25/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD81

2882. VETERANS AND DEPENDENTS EDUCATION; THE VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT

Legal Authority: 38 USC 1733; 38 USC 1692

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions which affect both the Dependents' Educational Assistance Program and the Vietnam Era GI Bill. Refresher, remedial and deficiency training is now permitted in the former, while the amount of tutorial assistance is raised in the latter, and the provisions for extending the delimiting date is liberalized for both of them. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD84

2883. VETERANS EDUCATION; THE VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT AND VEAP

Legal Authority: 38 USC 105; 38 USC 1602; 38 USC 1631; 38 USC 1634; 38 USC 1641; 38 USC 1652; 38 USC 1788

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5042; 38 CFR 21.5072; 38 CFR 21.5130; 38 CFR 21.5132; 38 CFR 21.5138; 38 CFR 21.5139; 38 CFR 21.5230; 38 CFR 21.5250; 38 CFR 21.5270; 38 CFR 21.5296

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Post-Vietnam Era Veterans' Educational Assistance Program. These include permitting cooperative training in this program, permitting refresher remedial and deficiency training in this program, providing tutorial assistance to veterans in this program, liberalizing the provisions for extending a veteran's period of eligibility, and reducing benefits to veterans who are incarcerated by reason of a felony conviction. Some of these changes are liberalizing. Some are more restrictive. This proposal will acquaint the public with the way in which the Department

of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD85

2884. RESERVISTS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

Legal Authority: 38 USC 105; 38 USC 2131 to 2133; 38 USC 2135

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Montgomery GI Bill-Selective Reserve. These include paying benefits for less than half-time training in certain instances; liberalizing the eligibility criteria; and liberalizing the provisions for extending a reservist's period of eligibility. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer most of the new provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD89

2885. IMPLEMENTATION OF PUB. L. 100-198 CONCERNING CHANGES IN AMOUNT OF ENTITLEMENT, CALCULATION OF GUARANTY AMOUNT, OCCUPANCY REQUIREMENTS, AND REQUIREMENTS FOR REFINANCING LOANS

Legal Authority: 38 USC 210(c)(1); PL 100-198; PL 100-253

CFR Citation: 38 CFR 36.4302; 38 CFR 36.4303; 38 CFR 36.4306; 38 CFR 36.4306a; 38 CFR 36.4502; 38 CFR 36.4504

Legal Deadline: None

Abstract: Regulations will be amended to implement certain provisions of Pub. L. 100-198 as amended by Pub. L. 100-253. The new law requires: (1) An increase in the maximum amount of entitlement from $27,500 to $36,000, (2) A revision of the method for calculating the guaranty amount, (3) A revision of the occupancy requirements, and (4) A revision of the requirements for refinancing loans. These regulations will formalize the implementation of these provisions since all have been put into effect administratively.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD91

2886. REQUIRE HOLDER TO RETAIN RECORDS FOR ONE YEAR; ELIMINATE MINIMUM PROPERTY STANDARDS

Legal Authority: 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4215; 38 CFR 36.4330; 38 CFR 36.4360(a)

Legal Deadline: None

Abstract: Regulations will be revised to require lenders to keep loan origination records for one year. This will ensure that records will be available for one year should the Department of Veterans Affairs wish to audit them. The regulations will also be revised to eliminate references to the HUD Minimum Property Standards as both HUD and the Department of Veterans Affairs have discontinued use of these standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD92

2887. WAIVER/COMPROMISE OF DEBTS ESTABLISHED AS RESULT OF FORECLOSURE

Legal Authority: 38 USC 210(c)(1); 38 USC 1820

CFR Citation: 38 CFR 36.4323(e)

Legal Deadline: None

Abstract: Under 38 USC 1820 the Secretary of the Department of Veterans Affairs is authorized to waive or compromise debt collection rights prior to the completion of a GI loan foreclosure. The Department of Veterans Affairs presently uses this authority under certain circumstances. This amendment will put into regulatory form the specific conditions under which the Secretary's authority to waive or compromise collection of debts may be used.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AD94

2888. INDEPENDENT MEDICAL OPINIONS

Legal Authority: 38 USC 3009

CFR Citation: 38 CFR 3.328

Legal Deadline: None

Abstract: The proposed regulation provides authority and procedures for requesting independent medical opinions in complex or controversial claims.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD96

2889. EXCLUSIONS FROM INCOME

Legal Authority: PL 100-687

CFR Citation: 38 CFR 3.272

Legal Deadline: None

Abstract: This amendment excludes from countable income, for purposes of needs-based benefits, reimbursements for casualty losses and funds received from the Agent Orange litigation settlement.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Leonard, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD97

2890. ● VETERANS EDUCATION INCREASE IN RATES PAYABLE IN THE EDUCATIONAL ASSISTANCE TEST PROGRAM (EATP)

Legal Authority: 10 USC 2143-44

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Legal Deadline: None

Abstract: The law provides that rates of subsistence allowance and educational assistance payable under the Educational Assistance Test Program shall be adjusted annually based upon the average cost of attendance at public institutions of higher education in the 12-month period since the rates were last adjusted. After consultation with the Department of Education, the Department of Defense has concluded that these rates should be increased by six percent for the 1988-89 school year. These regulations dealing with these rates will be adjusted accordingly.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Actng Assistant Director for Education Policy & Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE08

2891. ● RESERVISTS EDUCATION; IMPLEMENTATION OF THE VETERANS' BENEFITS IMPROVEMENT AND HEALTH-CARE AUTHORIZATION ACT OF 1986

Legal Authority: PL 99-576; PL 100-689

CFR Citation: 38 CFR 21.7540; 38 CFR 21.7600; 38 CFR 21.7603; 38 CFR 21.7642; 38 CFR 21.7670; 38 CFR 21.7672; 38 CFR 21.7673

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the provision of educational assistance to members of the Selected Reserve. The most important provisions include a change in the way in which VA must measure certain courses which do not lead to a standard college degree; a requirement that certain reservists be counseled before choosing a program of education; and a change concerning nonduplication of Federal programs. The appropriate regulations must be amended accordingly. The Veterans' Benefits and Program Improvement Act of 1988 contains some related provisions which also require amendments to VA regulations. These amendments will be proposed at the same time. Unrelated amendments will be proposed separately.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2668

RIN: 2900–AE10

2892. ● CLAIMS BASED ON EXPOSURE TO HERBICIDES CONTAINING DIOXIN

Legal Authority: PL 98-542; 38 USC 210(c)

CFR Citation: 38 CFR 3.311a

Legal Deadline: None

Abstract: This regulation will implement the court decision in Nehmer, et al., vs. United States Veterans Administration, et al., C.A. No. C-86-6160 TEH, U.S.D.C., N.D. Cal., May 3, 1989.

Timetable:

Action	Date	FR Cite
NPRM	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE12

2893. ● LOAN GUARANTY: SERVICING REQUIREMENTS FOR VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4200 et seq.; 38 CFR 36.4300 et seq.

Legal Deadline: None

Abstract: Presently, VA has no standards for loan holders to follow in servicing VA guaranteed home loans. It is proposed to develop appropriate standards for holders to follow in servicing VA loans. This would ensure that defaults would be prevented whenever possible and that liquidations are conducted as efficiently as possible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3668**

RIN: 2900–AE19

2894. ● LOAN GUARANTY: TITLE EVIDENCE REQUIREMENTS AND OCCUPANCY REQUIREMENTS FOR CONVEYANCE OF PROPERTIES TO VA

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1820

CFR Citation: 38 CFR 36.4320

Legal Deadline: None

Abstract: Present regulations give loan holders a choice of various forms of title evidence when conveying a property to the Secretary of Veterans Affairs. The regulations will be amended to authorize the Secretary to specify the title documentation necessary for conveyance of properties to the Secretary and establish a date by which such title evidence must be received. The amendment will also provide that the property must be vacant when conveyed to VA unless occupied by someone properly in possession by virtue of a redemption period or as otherwise directed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3668**

RIN: 2900–AE20

2895. ● LOAN GUARANTY: DISCRIMINATION ON THE BASIS OF HANDICAP OR FAMILY STATUS

Legal Authority: 48 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4253; 38 CFR 36.4350

Legal Deadline: None

Abstract: Present VA regulations permit restrictions on title which limit the sale, lease or occupancy of the property based on age. The Fair Housing Amendments of 1988 prohibit discrimination in residential real estate transactions because of family status or handicap except for certain housing for older persons. VA proposes to amend its regulations to provide that age restrictions will be acceptable only if they are acceptable under the provisions of the Fair Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3042**

RIN: 2900–AE21

2896. ● NEW AND MATERIAL EVIDENCE

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.156

Legal Deadline: None

Abstract: This amendment establishes a regulatory definition for the term "new and material evidence."

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	
Final Action	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE22

2897. ● VA ASSISTANCE IN DEVELOPING CLAIMS

Legal Authority: 38 USC 210(c); 38 USC 3007

CFR Citation: 38 CFR 3.159

Legal Deadline: None

Abstract: This amendment defines VA's responsibility to assist claimants in developing the facts pertinent to their claims.

Timetable:

Action	Date	FR Cite
NPRM	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, **202 233-3005**

RIN: 2900–AE23

2898. ● FAILURE TO REPORT FOR VA EXAMINATION

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.326; 38 CFR 3.327; 38 CFR 3.329; 38 CFR 3.655

Legal Deadline: None

Abstract: These amendments clarify the requirement that individuals must report for VA examinations and require VA to issue advance notice before taking adverse action because of failure to report.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefit Administration, 810

VA

Proposed Rule Stage

Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE24

2899. ● EXCHANGE RATES FOR FOREIGN CURRENCIES

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.32

Legal Deadline: None

Abstract: This amendment establishes a procedure for converting foreign currencies into U.S. dollar equivalents for the purpose of calculating rates or amounts due to VA beneficiaries who receive income or pay expenses in foreign currencies.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE25

2900. ● MITIGATING CIRCUMSTANCES

Legal Authority: PL 100-689, Sec 121

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 provides that mitigating circumstances exist the first time a veteran withdraws from a course or courses which do not exceed six semester hours or the equivalent for which the veteran has been paid. Under prior provisions the determination of mitigating circumstances would have been made on a case-by-case basis.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AE26

2901. ● VETERANS EDUCATION; QUALIFYING FOR THE MONTGOMERY GI BILL THROUGH SERVICE IN THE SELECTED RESERVE

Legal Authority: 38 USC 1412

CFR Citation: 38 CFR 21.7042

Legal Deadline: None

Abstract: An individual may qualify for benefits under the Montgomery GI Bill-Active Duty by serving at least two years of continuous active duty in the Armed Forces characterized by the Secretary concerned as honorable service and, after completion of active duty service, serving at least four continuous years in the Selected Reserve. In order to ensure that the Selected Reserve enlists servicemembers before their military skills have significantly eroded, this proposal would set a time limit of one year between release from active duty and affiliation with the Selected Reserve.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE31

NATIONAL CEMETERY SYSTEM

2902. ● GROUP MEMORIAL MONUMENTS

Legal Authority: 38 USC 210; 38 USC 906; 38 USC 1003

CFR Citation: 38 CFR 1.633

Legal Deadline: None

Abstract: VA provides grave markers for veterans and eligible descendants and operates under authority of 38 U.S.C. 906 and 1000-1007. Under 38 U.S.C. 1003(b), VA may erect memorials in national cemeteries to individuals or groups of individuals whose remains have never been recovered. Regulations have been published regarding provision of headstones for individuals, but not for groups of individuals whose remains have not been recovered. VA is proposing to provide memorials for such groups on the same basis as for individuals, or if requested, by a Federal agency or department acting on behalf of the next of kin.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Annabelle D. Stone, Actng Dir, Ofc of Executive Communications, and Administration (40D), Department of Veterans Affairs, National Cemetery System, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2396

RIN: 2900–AE13

OFFICE OF EQUAL OPPORTUNITY

2903. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Significance: Regulatory Program

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250; EO 12067

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the Department

VA

Proposed Rule Stage

is planning to repropose these regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William E. Nunn, Equal Opportunity Specialist (06A), Department of Veterans Affairs, Office of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900–AB51

OFFICE OF THE GENERAL COUNSEL

2904. SUITS AGAINST DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

Legal Authority: PL 100-694

CFR Citation: 38 CFR 14

Legal Deadline: None

Abstract: This proposal updates regulations to correspond to Department of Justice regulations implementing the Federal Employees Liability Reform and Tort Compensation Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	03/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Adams, Deputy Assistant General Counsel (023A), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2060

RIN: 2900–AD72

2905. ● RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS, AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3402

CFR Citation: 38 CFR 14.629

Legal Deadline: None

Abstract: The proposed amendments to existing procedures and requirements will authorize accreditation as claim representatives of individuals working at least 1,000 hours annually for organizations recognized by VA to represent veterans-benefit claimants and establish criteria for the accreditation of county veterans' service officers as claim representatives based on recommendation and supervision by State organizations recognized by VA to represent veterans' benefit claimants. VA believes less-than-full-time employment of a claim representative (specifically, at least 1,000 hours per year) does not connote lack of accountability to the recognized organization, primarily because the representative is significantly dependent upon the organization as the source of livelihood. As regards accreditation of county veterans' service officers, VA has for some years recognized some such officers, even though they are not actually State-employed, under the theory they are so closely associated with the State as to be considered State employees. The proposed regulations would provide recognized

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Organizations

Government Levels Affected: Undetermined

Additional Information: (Item No. 9 Continued) State organizations and VA with clear and uniform standards to apply in determining whether such officers are qualified to represent claimants.

Agency Contact: Richard J. Hipolit, Acting Deputy Assistant General, Counsel (022A), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2440

RIN: 2900–AE15

PROGRAM COORDINATION AND EVALUATION

2906. ● STANDARDS FOR PROGRAM EVALUATION

Legal Authority: 38 USC 210(c); 38 USC 219

CFR Citation: 38 CFR 1.15

Legal Deadline: None

Abstract: Due to the realignment of the program evaluation function and the reduction of resources dedicated to that function, the conduct of program evaluations will be reevaluated and alternatives explored which will better meet the needs of the VA in assessing the effectiveness of its programs. Regulations will be proposed to implement these changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sylvia Chavez Long, Deputy Assistant Secretary for Program Coordination and Evaluation (076), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-7590

RIN: 2900–AE30

DEPARTMENT OF VETERANS AFFAIRS (VA)

Final Rule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

2907. CONTRACT MEDICAL CARE

Significance: Regulatory Program

Legal Authority: PL 99-576

CFR Citation: 38 CFR 17.50b; 38 CFR 17.87

Legal Deadline: None

Abstract: The Department of Veterans Affairs and the Department of Health and Human Services will be proposing to amend applicable regulations to permit VA to pay for authorized or private hospital care in amounts based on the rates allowed by Medicare under the prospective payment system. This step will help ensure that payments made by VA are consistent with those

made by the largest Federal health care program for similar services in the community.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47726
NPRM Comment Period End	12/27/88	53 FR 47726
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AC31

2908. NONDISCRIMINATION AGAINST ALCOHOL AND DRUG ABUSERS AND PERSONS INFECTED WITH HIV

Legal Authority: 38 USC 4133; PL 100-322, Sec 122

CFR Citation: 38 CFR 17.48(k)

Legal Deadline: None

Abstract: This regulation is being amended to comply with Pub. L. 100-322, section 121, which prohibits the discrimination in admission or treatment in any VA health care facility of veterans who are eligible for treatment and who are alcohol or drug abusers or are infected with human immunodeficiency virus.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD49

2909. ● FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 5 USC 301; 38 USC 210(c)(1); 38 USC 4131; 38 USC 4184; 42 USC 300v-1(b)

CFR Citation: 38 CFR 16

Legal Deadline: None

Abstract: This amendment establishes policy regarding all research involving human subjects conducted, supported or otherwise subject to regulation by any Federal department or agency.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted Lorei, Staff Assistant to the ACMD for Research and Development (15C), Department of Veterans Affairs, Veterans Health Svcs. & Research Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2618

RIN: 2900–AE29

VETERANS BENEFITS ADMINISTRATION

2910. CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION OR DIOXIN

Legal Authority: PL 98-542

CFR Citation: 38 CFR 3.311b

Legal Deadline: None

Abstract: These amendments expand the list of radiogenic diseases and modify certain manifestation periods for radiation-related cancers. Minor technical clarifications are also included.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48551
NPRM Comment Period End	01/03/89	53 FR 48551
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AB64

2911. DETERMINING ENTITLEMENT USAGE UNDER THE VOCATIONAL REHABILITATION PROGRAM

Legal Authority: 38 USC 1505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: To establish a specific method for determining entitlement changes under Chapter 31. In view of the number of education and training programs not authorized under Title 38, a specific statement of Chapter 31 policy for determining entitlement changes is needed.

Timetable:

Action	Date	FR Cite
NPRM	02/17/89	54 FR 7206
NPRM Comment Period End	03/20/89	54 FR 7206
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-6496

RIN: 2900–AC08

2912. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the

result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The Department of Veterans Affairs, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/87	52 FR 300
NPRM Comment Period End	02/05/87	52 FR 300
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AC10

2913. PROCEDURAL DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.103; 38 CFR 3.105; 38 CFR 3.109; 38 CFR 3.110; 38 CFR 3.114

Legal Deadline: None

Abstract: These changes expand the procedural due process provided to beneficiaries, especially when benefits are proposed to be reduced or terminated. There is also a clarification of the effective date rule applicable to liberalizing laws or administrative issues.

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37797
NPRM Comment Period End	10/28/88	53 FR 37797
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Leonard, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AC54

2914. SUSPENSION OF INDIVIDUAL EMPLOYEES OF MANUFACTURED HOME DEALERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4235

Legal Deadline: None

Abstract: Present regulations authorize the Secretary to refuse to guarantee loans to purchase manufactured homes from dealers determined by the Secretary to have engaged in contracts of sale or methods or practices which are unfair or prejudicial to veteran purchasers. It is proposed to amend this regulation to also authorize suspension of individual employees of manufactured home dealers who engage in unfair or prejudicial practices.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40742
NPRM Comment Period End	11/17/88	53 FR 40742
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Schneider, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AC83

2915. DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 21.420

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to bring procedures for informing veterans of changes in payments for dependents into conformity with the decision of the courts. Under the proposed change, VA will provide 60 days advance notice if the veteran loses benefits being paid for a dependent in certain cases.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10378
NPRM Comment Period End	04/12/89	54 FR 10378
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-6496

RIN: 2900–AD27

2916. PLACING USE OF THE VOCATIONAL REHABILITATION PANEL ON A DISCRETIONARY BASIS

Legal Authority: 38 USC 1504(a); 38 USC 1505(a); 38 USC 1506(a); 38 USC 1520

CFR Citation: 38 CFR 21.62; 38 CFR 21.74; 38 CFR 21.76; 38 CFR 21.52; 38 CFR 21.53

Legal Deadline: None

Abstract: Under current provisions, use of the Vocational Rehabilitation Panel is required in certain instances. The role of the Panel is to assist in helping seriously disabled veterans successfully pursue a rehabilitation program. The requirement for consultation was a sound policy when the vocational rehabilitation program was substantially revised and broadened in 1980. As staff have gained experience with the new policies which resulted from the revision of the rehabilitation program in 1980, the need for consultation in every case has decreased. Current field experience indicates that placing use of the Panel on a discretionary basis is in the interest of the veteran and the government.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9237
NPRM Comment Period End	04/05/89	54 FR 9237
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

VA

Final Rule Stage

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-6496

RIN: 2900–AD29

2917. ASSUMPTION OF VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1802(b); PL 100-198

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4200

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that assumers of Department of Veterans Affairs loans committed to on or after March 1, 1988, meet certain criteria, including credit underwriting, before the assumption may take place. The proposed regulations will place the requirements of the law into regulatory form and will, as required by the law, set timeliness standards for processing assumed loans and the maximum that may be charged for the processing.

Timetable:

Action	Date	FR Cite
NPRM	06/15/89	54 FR 25469
NPRM Comment Period End	07/17/89	54 FR 25469
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3668

RIN: 2900–AD30

2918. PROCESSING OF VA APPRAISALS BY DESIGNATED LENDERS

Legal Authority: 38 USC 210(c); PL 100-198; 38 USC 1810; 38 USC 1810(b)(5); 38 USC 1831

CFR Citation: 38 CFR 36.4300

Legal Deadline: None

Abstract: Pub. L. 100-198 requires the publication of regulations authorizing certain lenders to process appraisals on VA guaranteed loans. Such lenders will determine the value of the property, based on an appraisal by an appraiser selected by VA, without VA's approval or review of the appraisal. The regulations will set the criteria for being a designated lender and the procedures to follow.

Timetable:

Action	Date	FR Cite
NPRM	05/11/89	54 FR 20398
NPRM Comment Period End	06/12/89	54 FR 20398
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2691

RIN: 2900–AD31

2919. DETERMINATION OF SERVICE-CONNECTION FOR IMPAIRED HEARING

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.385

Legal Deadline: None

Abstract: This amendment provides regulatory limits for establishing service-connection for impaired hearing and precludes service-connection for impaired hearing when those limits are satisfied.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32627
NPRM Comment Period End	09/26/88	53 FR 32627
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD54

2920. VETERANS EDUCATION; PAYMENTS DURING BREAKS IN ENROLLMENT

Legal Authority: 38 USC 1434; 38 USC 1780(a)

CFR Citation: 38 CFR 21.4203; 38 CFR 21.4205; 38 CFR 21.7139; 38 CFR 21.7140

Legal Deadline: None

Abstract: VA may make payments of educational assistance allowance to veterans and eligible persons under the various GI Bills during breaks within a certified period of enrollment when the break results from a school closing based upon an order of the President or due to an emergency situation. The Directors of Regional Offices have been delegated the authority to determine when these payments should be made. In the interest of administrative efficiency VA is considering permitting other VA employees to make these determinations during some school closings.

Timetable:

Action	Date	FR Cite
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD59

2921. VETERANS EDUCATION; RESTRICTIONS ON MAKING VEAP PAYMENTS TO SERVICEPERSONS

Legal Authority: 38 USC 1621; 38 USC 1631

CFR Citation: 38 CFR 21.5134

Legal Deadline: None

Abstract: The law requires that generally, an individual must contribute to the Post-Vietnam Education Assistance Program (VEAP) fund for 12 months in order to receive educational assistance. So as to encourage participation by servicemembers, VA has permitted a servicemember who meets all the other eligibility requirements to receive educational assistance after he or she has

completed 3 months of contributions to the fund or has made a lump-sum payment which is the equivalent of at least 3 months' contributions to the fund. In order to comply with the law it has been VA's policy to require these servicemembers to establish a continuing allotment so that they eventually will contribute to the fund for 12 months. However, the regulation which mentions the 3 months' contributions does not mention the 12 months' participation requirement. This has led to instances where servicemembers who have been paid educational assistance, never participated for 12 months. VA wishes to amend the regulation to correct this.

Timetable:

Action	Date	FR Cite
NPRM	04/06/89	54 FR 13702
NPRM Comment Period End	05/05/89	54 FR 13702
Final Action	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD62

2922. VETERANS EDUCATION; VETERANS EMPLOYMENT, TRAINING AND COUNSELING AMENDMENTS OF 1988

Legal Authority: PL 100-322; 38 USC 1434; 38 USC 1774; 38 USC 1774A; 38 USC 1782; PL 100-323, Sec 11; PL 100-323, Sec 14; PL 100-323, Sec 17

CFR Citation: 38 CFR 21.4150-4155; 38 CFR 21.4612; 38 CFR 21.4622; 38 CFR 21.4624; 38 CFR 21.4630-4632; 38 CFR 21.7200

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains provisions which affect the relationship VA and the State approving agencies have with each other, and other provisions which affect the administration of the Veterans' Job Training Act. The pertinent regulations must be revised so that they implement the new law.

Timetable:

Action	Date	FR Cite
NPRM	05/17/89	54 FR 21230
NPRM Comment Period End	06/16/89	54 FR 21230
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD63

2923. VERBAL AUTHORIZATION OF PREMIUM ACTIONS

Legal Authority: 38 USC 708

CFR Citation: 38 CFR 8.8; 38 CFR 8.9

Legal Deadline: None

Abstract: Under current procedures insured veterans who wish to pay National Service Life Insurance (NSLI) premiums by monthly deductions from Department of Veterans Affairs benefits or military service retired pay must make a written request to do so. Under our proposal a written request will no longer be required. Instead, veterans wishing to make deduction action changes such as the establishment, adjustment or discontinuance of a deduction will be able to do so by telephoning their requests to the Department of Veterans Affairs for instantaneous service.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18550
NPRM Comment Period End	05/31/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Insurance Specialist/Attorney (290B), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AD75

2924. DEPENDENTS EDUCATION; ELIGIBILITY OF STEPCHILDREN

Legal Authority: 38 USC 1701; 38 USC 1712

CFR Citation: 38 CFR 21.3041; 38 CFR 21.4135

Legal Deadline: None

Abstract: The stepchildren of a veteran whose children are eligible for dependents educational assistance are also eligible for that assistance on the same basis as those children. Occasionally, while such a stepchild is receiving assistance, the veteran will separate from or divorce his or her spouse. The child in question then ceases to be eligible for dependents educational assistance, because he or she is no longer the veteran's stepchild. This regulation will state how the Department of Veterans Affairs will determine when to discontinue the child's assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10377
NPRM Comment Period End	04/12/89	54 FR 10377
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD82

2925. VETERANS EDUCATION; STATE APPROVING AGENCIES AND VEAP

Legal Authority: 38 USC 1641; 38 USC 1774A

CFR Citation: 38 CFR 21.5150

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains several provisions which affect the Department of Veterans Affairs relationships with the State approving agencies. This amendment will state that in administering Chapter 32, Title 38, United States Code, the Department of Veterans Affairs will apply the provisions of that new section in the

same manner that it will be applied in the administration of 38 U.S.C. Chapters 34 and 36.

Timetable:

Action	Date	FR Cite
NPRM	08/23/89	54 FR 35006
NPRM Comment Period End	09/22/89	54 FR 35006
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD88

2926. DEFINITION OF MARGINAL EMPLOYMENT

Legal Authority: 38 USC 210(c); 38 USC 355

CFR Citation: 38 CFR 4.16

Legal Deadline: None

Abstract: This amendment defines the term "marginal employment" for purposes of making determinations of individual unemployability. This amendment is in response to a recommendation from the General Accounting Office.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 34531
NPRM Comment Period End	09/27/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus, Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD99

2927. ● DUTY PERIODS

Legal Authority: PL 100-456

CFR Citation: 38 CFR 3.6

Legal Deadline: None

Abstract: This amendment defines "active duty for training" and "inactive duty training" with respect to the Senior Reserve Officer Training Corps.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24212
NPRM Comment Period End	07/06/89	54 FR 24212
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Leonard, Legal Consultant, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AE01

2928. ● VETERANS EDUCATION: IMPLEMENTATION OF THE VETERAN BENEFITS IMPROVEMENT AND HEALTH CARE AUTHORIZATION ACT OF 1986 AND NEW GI BILL CONTINUATION ACT OF 1987

Legal Authority: 38 USC 105; 38 USC 1411 to 1413; 38 USC 1417 to 1419; 38 USC 1788

CFR Citation: 38 CFR 21.7000; 38 CFR 21.7020; 38 CFR 21.7040; 38 CFR 21.7042; 38 CFR 21.7044; 38 CFR 21.7050; 38 CFR 21.7076; 38 CFR 21.7100; 38 CFR 21.7103; 38 CFR 21.7112; 38 CFR 21.7122; 38 CFR 21.7131; 38 CFR 21.7135-7138

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains many provisions which affect the administration of the new educational assistance program for veterans and servicemembers. These include provision for apprenticeship and other on-job training and correspondence training in this program; minor changes to the criteria which must be met in order to establish eligibility for the program; a requirement that certain veterans be counseled before choosing a program of education; and a change concerning nonduplication of Federal programs. The New GI Bill Continuation Act of 1987 makes this program permanent, and changes it name to the Montgomery GI Bill.

Timetable:

Action	Date	FR Cite
NPRM	06/19/89	54 FR 25733
NPRM Comment Period End	07/19/89	54 FR 25733
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Acting Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE03

2929. ● VETERANS EDUCATION; DISABLING EFFECTS OF CHRONIC ALCOHOLISM

Legal Authority: 38 USC 105; 38 USC 1662

CFR Citation: 38 CFR 3.301; 38 CFR 3.302; 38 CFR 21.1043

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 provides among other things that for the purposes of any provision relating to the extension of a delimiting period under any education benefit or rehabilitation program administered by the Department of Veterans Affairs, the disabling effects of chronic alcoholism shall not be considered to be the result of willful misconduct. These interim regulations will inform the public of the way in which the Department will implement this provision of law with respect to the Post-Korean Conflict GI Bill.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/03/89	54 FR 31950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr., Actng Assistant Director for Education Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue,

NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AE05

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2930. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION - CONSULTING SERVICE

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Figg, Chief, Acquisition Policy Staff (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900–AC86

2931. ACQUISITION REGULATION; CONSTRUCTION CONTRACTING PROCEDURES

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation will update and clarify construction contracting procedures and clauses.

Timetable:

Action	Date	FR Cite
NPRM	01/21/88	53 FR 1630
NPRM Comment Period End	02/22/88	53 FR 1630
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Chris A. Figg, Acquisition Policy Staff (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3784

RIN: 2900–AC87

2932. ● ACQUISITION REGULATION: CONTRACTOR QUALIFICATIONS

Legal Authority: 38 USC 210; 38 USC 486(c)

CFR Citation: 48 CFR 809

Legal Deadline: None

Abstract: This amendment makes administrative changes regarding the VA procedures for making debarment and suspension decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Chris A. Figg, Acquisition Management Service (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3054

RIN: 2900–AE16

2933. ● ACQUISITION REGULATION: SEALED BIDDING

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 814

Legal Deadline: None

Abstract: This amendment will delete duplicative coverage from the VA Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mildred C. Shields, Procurement Analyst (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-4339

RIN: 2900–AE17

2934. ● ACQUISITION REGULATION: CONTRACTING BY NEGOTIATION

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 815

Legal Deadline: None

Abstract: This amendment will delete duplicative coverage from the VA Acquisition Regulation and allow contracting officers at medical centers to include two 1-year options for extension of prepared contracts for scarce medical specialists and specialized medical resources when those contracts are awarded through competitive negotiation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mildred C. Shields, Procurement Analyst (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-4339

RIN: 2900–AE18

BOARD OF VETERANS APPEALS

2935. APPEALS REGULATIONS AND RULES OF PRACTICE; CUTOFF DATE FOR ACCEPTANCE OF EVIDENCE

Legal Authority: 38 USC 4004; 38 USC 4005

CFR Citation: 38 CFR 19.174

VA

Final Rule Stage

Legal Deadline: None

Abstract: This regulation will be amended to specify a cutoff date for the acceptance of additional evidence, requests for hearings or changes of representation once an appeal is transferred to the Board of Veterans Appeals.

Timetable:

Action	Date	FR Cite
NPRM	07/06/89	54 FR 28445
NPRM Comment Period End	08/07/89	54 FR 28445
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special (Legal) Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AD14

2936. ● APPEALS REGULATION: RULES OF PRACTICE

Legal Authority: 5 USC 552; 5 USC 552a; 5 USC 6103; 38 USC 111; 38 USC 210; 38 USC 211a; 38 USC 212(a); 38 USC 3007 to 3008; 38 USC 3301 to 3302(b); 38 USC 3311; 38 USC 3401 to 3405; 38 USC 4001 to 4010

CFR Citation: 38 CFR 19; 38 CFR 20

Legal Deadline: None

Abstract: The provisions of Pub. L. 100-687 establish judicial review of Board of Veterans Appeals decisions, provide for greater involvement of private attorneys-at-law in the appeals process at the Department level, and make other changes affecting appeals. The Appeals Regulations and Rules of Practice are revised to accommodate these changes and to generally update these regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/89	54 FR 34334
NPRM Comment Period End	09/18/89	54 FR 34334
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jan Donsbach, Special Legal Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2978

RIN: 2900–AE02

OFFICE OF BUDGET AND FINANCE

2937. COMMITTEE ON WAIVERS AND COMPROMISES

Legal Authority: 38 USC 3102

CFR Citation: 38 CFR 1.955

Legal Deadline: None

Abstract: Currently, a panel of a Committee on Waivers and Compromises is composed of either one, three, or five members. A one-member panel is used for waiver requests on debts of $1,000 or less. The proposed revision will permit one panel member for debts of $20,000 or less and two or three-member panels for debts in excess of $20,000. We believe that this proposed revision will provide the most efficient use of Committee members.

Timetable:

Action	Date	FR Cite
NPRM	05/17/89	54 FR 21229
NPRM Comment Period End	06/16/89	54 FR 21229
Final Action	10/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern, Special Assistant (047F5), Department of Veterans Affairs, Ofc of Finance and Planning, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3405

RIN: 2900–AD50

OFFICE OF EQUAL OPPORTUNITY

2938. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.461, App A

Legal Deadline: None

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by VA. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9971
NPRM Comment Period End	05/08/89	54 FR 9966
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William E. Nunn, Equal Opportunity Specialist (06A), Department of Veterans Affairs, Office of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2150

RIN: 2900–AB87

OFFICE OF THE GENERAL COUNSEL

2939. ● SUITS AGAINST VA EMPLOYEES ARISING OUT OF COMMON LAW TORTS AND BASED UPON MEDICAL CARE AND TREATMENT FURNISHED IN OR BY VHS&RA

Legal Authority: 38 USC 4116(f)

CFR Citation: 38 CFR 14.610

Legal Deadline: None

Abstract: This amendment will incorporate a change in the law of personal immunity of Department of Veterans Affairs (VA) health care personnel. 38 U.S.C. 4116 renders the Federal Tort Claims Act (FTCA) the

VA

Final Rule Stage

exclusive remedy for negligence or malpractice committed by a VA health care worker in the course of his or her employment in or for the Veterans Health Services and Research Administration (VHS&RA). Judicial decisions have held the provision to be inapplicable, however, and the immunity effected thereby unavailable, when the tort allegedly committed was one excepted from the coverage of the FTCA, as a number of intentional torts are by virtue of 28 U.S.C. 2680(h). Section 203(a) of Pub. L. 100-322, now codified as 38 U.S.C. 4116(f), waives the intentional torts exception of the FTCA in the medical care context, permitting an action against the United States and conferring immunity on the VA health care worker.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Douglas Bradshaw, Jr., Deputy Assistant General Counsel (021B), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2153

RIN: 2900–AE14

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

2940. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None

Abstract: VA is amending the existing regulations concerning VA lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow VA to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse VA name and address lists of veterans/dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
NPRM Comment Period End	04/20/87	52 FR 8624
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Epps, Management Analyst (70Y723B), Department of Veterans Affairs, Ofc of Information Mgmt & Statistics, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2545

RIN: 2900–AC63

2941. PREDISCLOSURE OF CONFIDENTIAL COMMERCIAL INFORMATION

Legal Authority: 5 USC 552(b)(4); EO 12600

CFR Citation: 38 CFR 1.554

Legal Deadline: None

Abstract: Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, establishes certain mandatory and uniform procedures for handling Freedom of Information Act (FOIA) requests for records which may contain confidential commercial information, protected by FOIA exemption (5 U.S.C. 552(b)(4)). The Executive Order requires the notification and designation procedures be established in VA regulations. Accordingly, the revision to 38 CFR 1.554 will comply with the requirements of the Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45944
NPRM Comment Period End	12/15/88	53 FR 45944
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gordon Boone, Chief, Records Management Div. (70Y733), Department of Veterans Affairs, Ofc of Information Mgmt and Statistics, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-4243

RIN: 2900–AD09

DEPARTMENT OF VETERANS AFFAIRS (VA)

Completed Actions

2942. COMMUNITY RESIDENTIAL CARE

CFR Citation: 38 CFR 17.51h to 17.51q

Completed:

Reason	Date	FR Cite
Final Action	05/15/89	54 FR 20840
Final Action Effective	06/14/89	54 FR 20840

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Kelly 202 233-3692

RIN: 2900–AB32

2943. QUALITY ASSURANCE CONFIDENTIALITY

CFR Citation: 38 CFR 17.500 to 17.540

Completed:

Reason	Date	FR Cite
Final Action	07/07/89	54 FR 28667
Final Action Effective	01/01/85	54 FR 28667

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Lubran 202 233-3115

RIN: 2900–AC27

2944. DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

CFR Citation: 38 CFR 17.600

Completed:

Reason	Date	FR Cite
Final Action	07/07/89	54 FR 28673
Final Action Effective	05/20/88	54 FR 28673

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte Beason, Ed.D. 202 233-3588

RIN: 2900–AC66

2945. ELIGIBILITY FOR DENTAL CARE FOR FORMER POWS

CFR Citation: 38 CFR 17.123(d)

Completed:

Reason	Date	FR Cite
Final Action	06/15/89	54 FR 25449
Final Action Effective	05/20/88	54 FR 25449

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus 202 233-2504

RIN: 2900–AD43

2946. RECREATION FACILITIES TO BE CONSIDERED DEPARTMENT OF VETERANS AFFAIRS FACILITIES

CFR Citation: 38 CFR 17.30(w)

Completed:

Reason	Date	FR Cite
Final Action	04/12/89	54 FR 14648
Final Action Effective	05/12/89	54 FR 14648

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus 202 233-2504

RIN: 2900–AD44

2947. EMPLOYMENT SERVICES FOR CERTAIN ELIGIBLE VETERANS

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Completed:

Reason	Date	FR Cite
Final Action	05/17/89	54 FR 21214
Final Action Effective	05/17/89	54 FR 21214

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AB89

2948. PROVIDING AN INITIAL EVALUATION FOR A VETERAN NOT RESIDING IN A STATE

CFR Citation: 38 CFR 21.100; 38 CFR 21.376

Completed:

Reason	Date	FR Cite
Final Action	08/04/89	54 FR 32070
Final Action Effective	08/04/89	54 FR 32070

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AC46

2949. VETERANS EDUCATION; AMENDMENTS NEEDED TO IMPLEMENT PUB. L. 99-576

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.3046; 38 CFR 21.4022; 38 CFR 21.4100; 38 CFR 21.4101; 38 CFR 21.4102; 38 CFR 21.4104; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4138; 38 CFR 21.4230; 38 CFR 21.4231; 38 CFR 21.4232; 38 CFR 21.4233; ...

Completed:

Reason	Date	FR Cite
Final Action	08/17/89	54 FR 33885
Final Action Effective	10/28/86	54 FR 33885

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr. 202 233-2092

RIN: 2900–AC76

2950. DEFINITION OF FRAUD

CFR Citation: 38 CFR 3.1

Completed:

Reason	Date	FR Cite
Final Action	08/02/89	54 FR 31828

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus 202 233-3005

RIN: 2900–AD19

2951. PAYMENT OF GUARANTY CLAIMS

Significance: Regulatory Program

CFR Citation: 38 CFR 36.4319; 38 CFR 36.4320; 38 CFR 36.4321

Completed:

Reason	Date	FR Cite
Final Action	06/28/89	54 FR 27162
Final Action Effective	07/28/89	54 FR 27162

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard A. Levy 202 233-3668

RIN: 2900–AD39

2952. DISEASES SUBJECT TO PRESUMPTIVE SERVICE-CONNECTION

CFR Citation: 38 CFR 3.309; 38 CFR 3.812

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26027
Final Action Effective	05/20/88	54 FR 26027

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Drembus 202 233-3005

RIN: 2900–AD53

2953. VETERANS EDUCATION; PROCEDURAL PROTECTIONS FOLLOWING LOSS OF DEPENDENT

CFR Citation: 38 CFR 21.4132

Completed:

Reason	Date	FR Cite
Final Action	08/02/89	54 FR 31829

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr. 202 233-2092

RIN: 2900–AD58

2954. OPTIONAL SETTLEMENTS ON INSURANCE--CALCULATIONS

CFR Citation: 38 CFR 6.69(a); 38 CFR 8.80; 38 CFR 8.80(c); 38 CFR 8.81; 38 CFR 8.92(a)

Completed:

Reason	Date	FR Cite
Final Action	09/15/89	54 FR 38228
Final Action Effective	10/16/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons 215 951-5360

RIN: 2900–AD65

2955. EXTENSION OF THE TEMPORARY PROGRAM FOR TRIAL WORK PERIOD AND REHABILITATION

CFR Citation: 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6509; 38 CFR 21.6511; 38 CFR 21.6513; 38 CFR 21.6515; 38 CFR 21.6517; 38 CFR 21.6525

Completed:

Reason	Date	FR Cite
Withdrawn Combined with 2900-AD76.	08/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AD78

2956. VETERANS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

CFR Citation: 38 CFR 21

Completed:

Reason	Date	FR Cite
Withdrawn Replaced by 2900-AE03.	06/19/89	54 FR 25733

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr. 202 233-2092

RIN: 2900–AD83

2957. VETERANS EDUCATION; PROCEDURAL DUE PROCESS

CFR Citation: 38 CFR 21.1032; 38 CFR 21.3032; 38 CFR 21.4131; 38 CFR 21.4136; 38 CFR 21.4137

Completed:

Reason	Date	FR Cite
Final Action	07/07/89	54 FR 28676
Final Action Effective	08/07/89	54 FR 28676

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr. 202 233-2092

RIN: 2900–AD86

2958. VETERANS EDUCATION; ELIGIBILITY FOR DEPENDENTS' EDUCATIONAL ASSISTANCE

CFR Citation: 38 CFR 21.3041

Completed:

Reason	Date	FR Cite
Final Action	08/03/89	54 FR 31961
Final Action Effective	09/02/89	54 FR 31961

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Susling, Jr. 202 233-2092

RIN: 2900–AD87

2959. COMBINED RATINGS TABLE

CFR Citation: 38 CFR 4.25

Completed:

Reason	Date	FR Cite
Final Action	06/28/89	54 FR 27161
Final Action Effective	07/28/89	54 FR 27161

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Leonard 202 233-3005

RIN: 2900–AD90

2960. LOAN GUARANTY: DETERMINATION OF NET VALUE

Significance: Regulatory Program

CFR Citation: 38 CFR 36.4301; 38 CFR 36.4323(e)

Completed:

Reason	Date	FR Cite
Final Action	07/19/89	54 FR 30207
Final Action Effective	08/21/89	54 FR 30207

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy 202 233-3668

RIN: 2900–AD93

2961. BENEFITS AT DIC RATES IN CERTAIN CASES WHEN DEATH IS NOT SERVICE-CONNECTED

CFR Citation: 38 CFR 3.54

Completed:

Reason	Date	FR Cite
Final Action	08/02/89	54 FR 31828
Final Action Effective	11/18/88	54 FR 31828

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald England 202 233-3005

RIN: 2900–AD98

2962. ● EVALUATION OF STUDIES RELATING TO HEALTH EFFECTS OF DIOXIN AND RADIATION EXPOSURE

Significance: Regulatory Program

Legal Authority. 38 USC 210(c); PL 98-542

CFR Citation: 38 CFR 1.17

Legal Deadline: None

Abstract: This amendment establishes criteria for determining when a significant statistical association exists between exposure to dioxin or ionizing radiation and specific diseases.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30099
NPRM Comment Period End	08/17/89	54 FR 30099
Final Action	10/02/89	54 FR 40388
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AE09

2963. ● VA ACQUISITION REGULATION: BONDS, INSURANCE, AND TAXES

Legal Authority: 38 USC 210; 40 USC 486(c)

CFR Citation: 48 CFR 828; 48 CFR 829

Legal Deadline: None

Abstract: This regulation makes administrative and technical revisions to 48 CFR Parts 828 and 829, to update organizational titles, and to delete duplicative coverage also provided for in the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/26/89	54 FR 24172
Final Action	06/06/89	54 FR 24172

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mildred C. Shields, Procurement Analyst, Acquisition Management Service (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-4339

RIN: 2900–AE00

2964. ● ACQUISITION REGULATION: PACKAGING REQUIREMENTS; ESTIMATED QUANTITIES

Legal Authority: 38 USC 210; 38 USC 486(c)

CFR Citation: 48 CFR 809; 48 CFR 814; 48 CFR 816; 48 CFR 828; 48 CFR 852; 48 CFR 870

Legal Deadline: None

Abstract: This amendment to the VAAR clarifies the Department's right to repackage depot shipments. In addition, it allows contractors to bid for National Cemetery System annual monument requirements at less than 75 percent of the annual estimated quantity. There are also miscellaneous technical amendments to correct erroneous references, change organizational terminology, and delete duplicative coverage provided for in the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24106
NPRM Comment Period End	07/27/88	53 FR 24106
Final Action Effective	07/07/89	54 FR 30043
Final Action	07/18/89	54 FR 30043

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mildred C. Shields, Program Analyst, Acquisition Management Service (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3054

RIN: 2900–AE04

2965. ● ACQUISITION REGULATION: INTERNAL MANAGEMENT OF THE DEPARTMENT OF VETERANS AFFAIRS ACQUISITION SYSTEM

Legal Authority: 38 USC 210; 38 USC 486(c)

CFR Citation: 48 CFR 801

Legal Deadline: None

Abstract: These regulations make internal procedural changes in the technical reviews of proposed contract actions and the process of warranting contracting officers, revises the delegation for VA approval of individual deviations, and revises and relocates coverage regarding the ratification of unauthorized contract actions.

Timetable:

Action	Date	FR Cite
NPRM	07/15/89	
Final Action	08/03/89	54 FR 31961
Final Action Effective	08/03/89	54 FR 31961

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris A. Figg, Acquisition Management Service (93), Ofc of Acquisition and Materiel Mgmt, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3054

RIN: 2900–AE07

2966. APPEALS REGULATIONS AND RULES OF PRACTICE- STATUS OF LEGAL INTERNS, LAW STUDENTS AND PARALEGALS

CFR Citation: 38 CFR 19.152, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/20/89	54 FR 11375
Final Action Effective	04/19/89	54 FR 11375

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach 202 233-2978

RIN: 2900–AC11

2967. APPEALS REGULATIONS AND RULES OF PRACTICE - HEARING DATE

CFR Citation: 38 CFR 19.159, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	03/20/89	54 FR 11375
Final Action Effective	04/19/89	54 FR 11375

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach 202 233-2978

RIN: 2900–AC88

VA

Completed Actions

2968. INVENTIONS BY EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS, AUTHORITY DELEGATIONS

CFR Citation: 38 CFR 1.653; 38 CFR 2.83

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26027
Final Action Effective	06/21/89	54 FR 26027

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana M. Bloss 202 233-3651

RIN: 2900–AD51

[FR Doc. 89-21731 Filed 10-27-89; 8:45 am]

BILLING CODE 8320-01-T

Federal Register

Monday
October 30, 1989

Part XVII

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision, or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Stewart A. Davis, Acting General Counsel, ACTION, 1100 Vermont Avenue NW., Washington, DC 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 601), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Jane A. Kenny,
Acting Director.

ACTION (ACTION)

Prerule Stage

2969. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1), ACTION will promulgate regulations implementing provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION Title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA06

2970. INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Legal Authority: 5 USC 552; 42 USC 4951

CFR Citation: 45 CFR 1215

Legal Deadline: None

Abstract: In accordance with the Freedom of Information Act (5 USC 552), the Agency is updating its regulation concerning the release of Agency information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lowell Genebach, Director, Planning, Budget and Management Division, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9137**

RIN: 3001–AA09

2971. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 4951

CFR Citation: 45 CFR 1221

Legal Deadline: None

Abstract: In accordance with 42 USC 6101 and 42 USC 4951, ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA10

ACTION (ACTION) **Proposed Rule Stage**

2972. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: None

Legal Deadline: None

Abstract: In accordance with Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
NPRM	09/18/89	54 FR 38401
NPRM Comment Period End	11/17/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA07

[FR Doc. 89-21732 Filed 10-27-89; 8:45 am]

BILLING CODE 6050-28-T

Federal Register

Monday
October 30, 1989

Part XVIII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 810

Unified Agenda of Federal Regulations

AGENCY: Advisory Council on Historic Preservation (ACHP).

ACTION: Publication of agenda.

SUMMARY: The following ACHP regulation is scheduled for development from February through April 1990. It is submitted herein for publication in the Unified Agenda of Federal Regulations, EO 12291.

FOR FURTHER INFORMATION CONTACT: See person listed below for specific agenda information.

Advisory Council on Historic Preservation.

Robert D. Bush,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Proposed Rule Stage

2973. FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 16 USC 470 Nat. Historic Preservation Act of 1966, as amended

CFR Citation: 36 CFR 810.5

Legal Deadline: None

Abstract: The regulation will increase the fees charged to requesters of information to better reflect the cost to the Government of locating and copying the documents requested. Copying charges would be increased from $0.10 to $0.13 per page; fees for searches by professional staff from $2.00 to $4.65 per quarter hour; and fees for searches by clerical staff from $1.00 to $2.30 per quarter hour. The regulation would thus impose a "user's fee" to users of the Government FOIA system which is more consistent with other agencies' fees.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	03/00/90	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Katherine Barns Soffer, Associate General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW #809, Washington, DC 20004, 202 786-0503

RIN: 3010–AA03

[FR Doc. 89-21733 Filed 10-27-89; 8:45 am]

BILLING CODE 4310-10-T

Federal Register

Monday
October 30, 1989

Part XIX

Agency for International Development

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (AID) is publishing this agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981), and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives AID's plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and to participate more effectively in AID's rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list in general, contact: Mr. John H. Elgin, Office of Information Resources Management, Agency for International Development, Washington, DC 20523; telephone (703) 875-1608.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: August 21, 1989.

John F. Owens,

Acting Assistant to the Administrator for Management.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Proposed Rule Stage

2974. REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: 22 USC 2381; 5 USC 552a; 5 USC 553

CFR Citation: 22 CFR 215

Legal Deadline: None

Abstract: The regulation is being reviewed for update. Two new systems of records are being studied for incorporation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Harper, Director, Office of Public Inquiries, Agency for International Development, Bureau for External Affairs, Washington, DC 20523, 202 647-4220

RIN: 0412–AA03

2975. DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None

Abstract: This regulation sets forth provisions of the Agency for International Development (AID), acting as an agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, PL 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412–AA05

2976. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for

AID — Proposed Rule Stage

International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, **703 235-9193**

RIN: 0412–AA06

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Completed Actions

2977. PUBLIC INFORMATION

Legal Authority: 22 USC 2381; 5 USC 552

CFR Citation: 22 CFR 212

Legal Deadline: None

Abstract: The regulation is being updated to conform with the congressional changes made in 1987.

Timetable:

Action	Date	FR Cite
Final Action	05/24/89	54 FR 22437
Final Action Effective	05/24/89	54 FR 22437

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Harper, Director, Office of Public Inquiries, Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 647-4220**

RIN: 0412–AA02

[FR Doc. 89-21734 Filed 10-27-89; 8:45 am]

BILLING CODE 6116-01-T

Federal Register

Monday
October 30, 1989

Part XX

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next 12 months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street NW., Suite 501, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Ms. Elizabeth A. Stewart, Senior Attorney, (202) 653-7834 (voice or TDD).

James J. Raggio,

Acting Executive Director, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Prerule Stage

2978. ● 36 CFR PART 1152 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 5 CFR 735

CFR Citation: 36 CFR 1152

Legal Deadline: None

Abstract: The proposed rule would amend the current regulations concerning the Statements of Employment and Financial Interests, including but not limited to, which employees are required to submit statements, the procedures and responsibilities for reviewing the statements, the forms utilized and such other areas as necessary to implement appropriate procedures for compliance with the requirements for financial disclosure based on the current authorities and responsibilities of the agency. This rulemaking will have no financial impact.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA05

2979. ● 36 CFR PART 1150 - PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

Significance: Agency Priority

Legal Authority: Section 502 Rehabilitation Act of 1973, PL 93-112, as amended; 29 USC 792, 87 Stat. 391

CFR Citation: 36 CFR 1150

Legal Deadline: None

Abstract: The proposed rule would amend current procedures for the processing and resolution of complaints filed with the agency as well as the procedures for administrative hearings conducted in accordance with Section 502 of the Rehabilitation Act of 1973, Pub. L. 92-112 as amended (29 USC 792). The potential financial impact is undetermined at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA06

2980. ● 36 CFR PART 1153 - AUTHORITIES AND DELEGATIONS

Significance: Agency Priority

Legal Authority: Section 502, Rehabilitation Act of 1973, PL 93-112, as amended; 29 USC 792, 87 Stat. 391

CFR Citation: 36 CFR 1153

Legal Deadline: None

Abstract: This proposed rule would amend current Authorities and Delegations to provide for such additional duties and responsibilities as are necessary to effectuate and implement the procedures set forth in the revised Statement of Organization and Procedures. The revision will include but is not limited to the designation of the authority to establish the Board agenda and such other delegations as are necessary to insure the proper functioning of the agency. This rulemaking will have no financial impact.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance

ATBCB **Prerule Stage**

Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA07

2981. ● 36 CFR PART 1155 - STATEMENT OF ORGANIZATION AND PROCEDURES

Significance: Agency Priority

Legal Authority: Section 502, Rehabilitation Act of 1973, PL 93-112, as amended; 29 USC 792, 87 Stat. 391

CFR Citation: 36 CFR 1155

Legal Deadline: None

Abstract: The proposed rule would amend current Board procedures to provide for a system of notational voting and such other internal procedures as are necessary for the functioning of the agency. The potential financial impact is undetermined at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA08

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Final Rule Stage

2982. INFORMATION AVAILABILITY: PROCEDURES (36 CFR 1120)

Legal Authority: 5 USC 552

CFR Citation: 36 CFR 1120, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: This interim final rule amends the ATBCB's regulations to establish a schedule and system for collecting fees to recover certain direct costs associated with responding to Freedom of Information Act (FOIA) requests as required by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/10/87	52 FR 43193
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth A. Stewart, Senior Attorney, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA04

[FR Doc. 89-21735 Filed 10-27-89; 8:45 am]

BILLING CODE 6820-BP-T

Federal Register

Monday
October 30, 1989

Part XXI

Commission on Civil Rights

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)

COMMISSION ON CIVIL RIGHTS

45 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: U.S. Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on Civil Rights will have under development during the 6-month period from October 1, 1989, through March 31, 1990. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For further information on any items in the agenda, contact: Jeffrey P. O'Connell, Acting Solicitor, U.S. Commission on Civil Rights, Room 604, 1121 Vermont Avenue NW., Washington, DC 20425, (202) 376-8514.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. 601), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. The Commission has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; nor will the regulations have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required.

William J. Howard,

General Counsel.

COMMISSION ON CIVIL RIGHTS (CCR) — Final Rule Stage

2983. IMPLEMENTATION OF FREEDOM OF INFORMATION REFORM ACT

Significance: Agency Priority

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552

CFR Citation: 45 CFR 704.1, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: The regulation implements the 1986 statutory amendments to the Freedom of Information Act (FOIA) (5 USC 552). The revised provisions modify the terms of exemption 7 and also establish new procedures regarding the charging and waiving of fees pursuant to a FOIA request.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5504
NPRM Comment Period End	03/06/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Howard, General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 604, Washington, DC 20425, 202 376-8351

RIN: 3035–AA00

2984. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504-HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 707

Legal Deadline: None

Abstract: The proposed regulation provides for the implementation of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22534
NPRM Comment Period End	08/15/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Howard, General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 604, Washington, DC 20425, 202 376-8351

RIN: 3035–AA01

[FR Doc. 89-21736 Filed 10-27-89; 8:45am]

BILLING CODE 6335-01-T

Federal Register

Monday
October 30, 1989

Part XXII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-3642-1]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA revises and issues the regulatory agenda semiannually, and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: If you want to be on the mailing list for future agendas, please call or write to Bridgette Dent, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-5475.

If you have any suggestions for improving this publication or need general information about the agenda, please call or write to Angela Suber, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-7205.

FOR FURTHER INFORMATION CONTACT: For specific information on any item in the agenda, please contact the person listed with each entry.

SUPPLEMENTARY INFORMATION:

Statutes Covered in the Agenda

Asbestos Hazard Emergency Response Act (AHERA)
Atomic Energy Act (AEA)
Clean Air Act (CAA)
Clean Water Act (CWA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Hazardous and Solid Waste Amendments (HSWA)
Marine Protection, Research, and Sanctuaries Act (MPRSA)
Resource Conservation and Recovery Act (RCRA)
Safe Drinking Water Act (SDWA)
Superfund Amendments and Reauthorization Act (SARA)
Toxic Substances Control Act (TSCA)
Water Quality Act of 1987 (WQA)
General - Other Acts (including grant and procurement regulations that cut across several program areas)

Organization of the Agenda

The agenda is organized by statute, and in several cases, it combines regulations with differing statutory authorities that have closely related subject matter. For example, the Asbestos-in-Schools Inspection, Abatement, and Disposal regulation is written under AHERA but appears with regulations under TSCA.

Within each statutory listing, the regulations are ordered numerically by section number of the authorizing legislation. For example, all RCRA regulations under section 3001 appear before those under section 3006.

Within each statutory area, the entries are further divided into four categories: (1) Prerule, (2) proposed rule, (3) final rule, and (4) completed actions (regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these sections is presented below.

I. Prerulemakings

Prerulemaking actions include activities intended to determine whether or how to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking, significant studies or analyses of the possible need for regulatory action, requests for public comment on the need for regulatory action, or important pre-regulatory policy proposals.

This section also includes existing EPA regulations that are now under review. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, the Agency will list these reviews in the completed section of the agenda. If EPA decides to revise or rescind the regulation, the action will appear in the proposed rule section of the next agenda, which will state the timetable for completing the revision or rescission.

For each regulation under review, the agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which may be different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to outline the Administration's annual Regulatory Program. It defines priority activities that Federal departments and agencies will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that Federal departments and agencies should review their regulations to ensure that the costs of the regulations are justified by their benefits. The Office of Management and Budget (OMB) reviews agency rules to assess their compliance with the Executive order's goals of maximizing net social benefits.

The Regulatory Flexibility Act (RFA) requires that Federal departments and agencies review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment regarding RFA issues on the list of regulations EPA is reviewing.

Reviews EPA has targeted under the RFA are identified under "Analysis." The agenda identifies the types of entities affected under "Small Entities Affected." "Government Levels Affected" (State, local, or Federal) are also indicated.

When the Agency completes reviews of regulations with a significant impact on small entities, the agenda indicates whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981, plan (46 FR 36930) for reviewing regulations under the Act.

The Paperwork Reduction Act (PRA) requires Federal departments and agencies to review their information collection activities to assure that they

need and will use the information and manage it efficiently. They must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at some other Federal agency. In addition, the PRA requires agencies to review the cost of collecting the information so that it will be held to a minimum for both the respondent and the agencies. Congress gave oversight authority to OMB. EPA must have OMB approval before it either collects information or requires that information be collected.

II. Proposed and Final Rules

This section includes all "significant" EPA regulations. Some are priority regulations under development that are subject to Executive Order 12498 or that the Agency has designated for priority development or revision. These regulations are also subject to certain provisions of E.O. 12291, RFA, and PRA.

EPA generally lists regulations in this category of the agenda once they are within a year of proposal or promulgation. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections (the word "revision" will appear in subsections) or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the agenda for the first time are marked with bullets (●).

However, the listings exclude (a) specialized categories of actions (such as EPA approvals of State plans and other actions that do not apply nationally) and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the agenda includes:

- Title
- Priority classification (if applicable)
- Legal authority
- CFR reference(s)
- Legal deadline (if applicable)
- Abstract (short description of action)
- Timetable of existing and scheduled actions
- References to small entities
- Additional information (includes the FTS phone number for the Agency contact, the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes, and any other information that is not included in the abstract)
- Agency contact
- Analysis (indicates if the Agency is preparing a Regulatory Impact Analysis (RIA) and/or an analysis under the RFA)

III. Completed Actions

These are actions that appeared in the previous agenda, which EPA is deleting because they are completed or are no longer under consideration for rulemaking. Information on these regulations is less detailed than for those that are still under consideration. Generally, completed entries include: (1) An explanation of why the Agency is deleting the regulation from the agenda or (2) the **Federal Register** publication date and citation for the final rule.

Dated: August 24, 1989.

Dan Beardsley,

Deputy Assistant Administrator, Office of Policy, Planning and Evaluation.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2985	SAR No. 2684. Pesticide Regulations for Pesticidal Transgenic Plants (Revision)	2070-AC02
2986	SAR No. 2351. Restricted Use Classification for Groundwater Contaminating Pesticides	2070-AB60
2987	SAR No. 2567. Registration Data Requirements for Pesticide Product Performance and Companion Pesticide Assessment Guidelines (Revision)	2070-AB82
2988	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
2989	SAR No. 2446. Regulations on Certification of Pesticide Applicators (Revision)	2070-AB75
2990	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76
2991	SAR No. 2445. Amendments to Experimental Use Permit Rule for Certain Microbial Pesticides (Revision)	2070-AB77
2992	SAR No. 2338. Reporting Requirements for Risk/Benefits Information	2070-AB50
2993	SAR No. 2724. Pesticide Data Requirements: Methods for Safe Storage and Disposal	2070-AC11
2994	SAR No. 2725. FIFRA Books and Records of Pesticide Production and Distribution Amended	2070-AC07
2995	SAR No. 2687. Pesticide Data Requirements	2070-AC12
2996	SAR No. 2735. Revision of Statement of Policy on FIFRA Section 17(a), Pesticides and Devices Intended for Export	2070-AC09
2997	SAR No. 2659. Storage, Disposal, Transportation, and Recall of Pesticides	2070-AB95
2998	SAR No. 2639. Child-Resistant Packaging Regulations (Revision)	2070-AB96
2999	SAR No. 2425. Responses to Petitions Received to Add to or Delete Chemicals from the List of Toxic Chemicals Under Section 313 of SARA	2070-AC00

EPA

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3000	SAR No. 2444. Food Additive Regulations Concerning Pesticide Residues: Procedural Regulations	2070-AB78
3001	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
3002	SAR No. 2720. Policy or Procedures for Notification to the Agency of Stored Pesticides with Cancelled of Suspended Registration	2070-AC08
3003	SAR No. 2554. Interpretative Rule - Advertising Claims Made for Registered Pesticide Products	2070-AB88
3004	SAR No. 1640. Worker Protection Standards (Revision)	2070-AA49

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3005	SAR No. 1703. FIFRA Good Laboratory Practice Standards (Revision)	2070-AB68

Toxic Substances Control Act (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3006	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41
3007	SAR No. 2654. Scrap Metal Recycling Regulatory Controls	2070-AC01

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3008	SAR No. 2555. Toxic Chemical "Peak Release" Reporting Rule (Revision)	2070-AB86
3009	Decisions on Test Rules: Proposed Rules	2070-AB07
3010	SAR No. 2563. SARA Section 110 Chemicals Generic Test Rule	2070-AB79
3011	SAR No. 2657. Amendments to Test Rules and Consent Agreements	2070-AB97
3012	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
3013	Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
3014	SAR No. 2247. Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
3015	Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB61
3016	SAR No. 2561. Proposal to Exempt Certain Microorganisms from PMN Requirements under TSCA 5(h)(4)	2070-AB89
3017	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
3018	SAR No. 2560. Procedures and Criteria for Termination of Polychlorinated Biphenyl Disposal Permits	2070-AB81
3019	SAR No. 1139. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3020	SAR No. 2658. Modification of Toxic Release Reporting under SARA 313, Title III	2070-AB98
3021	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
3022	Decision on Test Rules: Final Rules	2070-AB94
3023	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
3024	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
3025	SAR No. 2550. PCB Notification and Manifesting Rule	2070-AB83
3026	SAR No. 2704. Partial Updating of the TSCA Inventory Data Base	2070-AC10

EPA

Toxic Substances Control Act (TSCA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3027	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3028	SAR No. 1886. TSCA Good Laboratory Practice Standards (Revision)	2070-AB65
3029	SAR No. 2375. Procedural Rule for Expedited New Chemical Follow-up	2070-AB64
3030	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29

Clean Water Act (CWA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3031	SAR No. 2747. Oil and Gas Extraction Point Source Category; Coastal Subcategory, Effluent Limitation Guidelines and New Source Performance Standards	2040-AB72

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3032	SAR No. 2497. Water Quality Standards - Revision	2040-AB56
3033	SAR No. 1427. Pharmaceuticals	2040-AA13
3034	SAR No. 2473. Effluent Guidelines and Standards for Pesticides Manufacturers and Formulator/Packagers	2040-AB32
3035	SAR No. 2712. Effluent Guidelines for Pulp, Paper and Paperboard	2040-AB53
3036	SAR No. 2745. Organic Chemicals, Plastics and Synthetic Fibers Effluent Limitations, Pretreatment Standards and New Source Performance Standards	2040-AB65
3037	SAR No. 2746. Copper and Beryllium Forming Point Source Effluent Guidelines and Standards	2040-AB71
3038	SAR No. 2749. National Pollution Discharge Elimination System and Sludge Management State Program Regulations for Indian Tribes	2040-AB70
3039	SAR No. 2587. Revisions to Regulations for Modification of Secondary Treatment Requirements for Municipal Discharge into Marine Waters	2040-AB29
3040	SAR No. 2493. NPDES Regulatory Revisions	2040-AB38
3041	SAR No. 2501. NPDES Permit Application Standard Form A and Short Form A (Revision)	2040-AB39
3042	SAR No. 2682. Treatment of Indian Tribes as States Under Section 404 of the Clean Water Act	2040-AB69
3043	SAR No. 2222. De-Designation of Ocean Dumping Sites	2040-AB61
3044	SAR No. 2737. Revisions to Ocean Dumping Regulations for Dredged Material	2040-AB62
3045	SAR No. 2736. Reorganization and Corrections to List of Ocean Dumping Sites	2040-AB63

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3046	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
3047	SAR No. 2585. Comprehensive Construction Grant Regulation Revision	2040-AB25
3048	SAR No. 1649. Effluent Guidelines for Offshore Subcategory of the Oil and Gas Extraction Industry	2040-AA12
3049	SAR No. 2583. Non-Ferrous Manufacturing (Phase II)	2040-AB31
3050	SAR No. 2475. Water Quality Standards -- Revision for Indian Tribes	2040-AB36
3051	SAR No. 2744. State Revolving Fund Program Implementation Regulations	2040-AB64

EPA

Clean Water Act (CWA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3052	SAR No. 2748. Section 303(d) List of State Waters	2040-AB68
3053	SAR No. 2617. Estuary Program Grant Regulation	2040-AB54
3054	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
3055	SAR No. 2304. Notice of Final Plan to Review and Promulgate National Effluent Guidelines and Standards	2040-AA90
3056	SAR No. 2162. Sewage Sludge Use and Disposal Regulations	2040-AA74
3057	SAR No. 2515. Citizen Suit Notice Regulation under the CWA	2040-AB50
3058	SAR No. 2462. Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act	2040-AB58
3059	SAR No. 2342. EPA Administered Programs: NPDES; General Pretreatment Regulations for Existing and New Sources: Proposals to Implement the Domestic Sewage Study	2040-AA99

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3060	SAR No. 2163. National Pollutant Discharge Elimination System Sewage Sludge Permit Regulations; State Sludge Management Program Requirements	2040-AA73
3061	SAR No. 2479. Water Quality Planning and Management Grants for Indian Tribes	2040-AB35
3062	SAR No. 2525. Interpretation of Provisions of Section 304(1) of the CWA	2040-AB46
3063	SAR No. 2189. Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78
3064	SAR No. 2546. Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Effective Dates; and Capacity Variances for Additional First Third Wastes (Second Sixth)	2040-AB55

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3065	SAR No. 2590. Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	2060-AC30
3066	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
3067	SAR No. 2073. Residual Radioactivity	2060-AB31

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3068	SAR No. 1162. Transuranium Elements	2060-AA01
3069	SAR No. 1166. Groundwater Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Atomic Energy Act (AEA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3070	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02

EPA

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3071	SAR No. 2426. Revisions to the Safe Drinking Water Act's Underground Injection Control Regulations	2040-AB27
3072	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
3073	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
3074	SAR No. 2630. National Primary Drinking Water Regulations: Inorganic and Organic Compounds (Phase V/25 Contaminants)	2040-AB11

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3075	SAR No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
3076	SAR No. 2489. Revision to Public Water System Supervision (PWSS) State Primacy Requirements	2040-AB26
3077	SAR No. 1755. National Primary Drinking Water Regulations: Synthetic Organic Chemicals and Inorganic Chemicals, Monitoring for Unregulated Contaminants (Phase II, 38 Contaminants)	2040-AA55
3078	SAR No. 2610. National Primary Drinking Water Regulations: Lead and Copper	2040-AB51
3079	SAR No. 2381. Public Water Supply Supervision Program, Administrative Enforcement Implementation Procedures	2040-AB07

Safe Drinking Water Act (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3080	SAR No. 2376. Criteria for Filtration and Disinfection of Surface Water and National Primary Drinking Water Regulations for Microbiological Contaminants	2040-AB24

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3081	State-Administered UIC Programs; Incorporation by Reference Update	2040-AB60

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3082	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3083	SAR No. 2434. Management of Used Oil	2050-AC17
3084	SAR No. 2572. Determination on Wastes from Combustion of Coal by Electric Utility Power Plants	2050-AC40

EPA

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3085	SAR No. 2634. Oil Pollution Prevention Regulation	2050-AC62
3086	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
3087	SAR No. 2524. No-Migration Variance for Restricted Hazardous Waste Land Disposal	2050-AC44
3088	SAR No. 2494. Municipal Waste Combustor Ash Management	2050-AC24
3089	SAR No. 2482. Identification and Listing of Hazardous Wastes - De Minimis Exemption Levels	2050-AC30
3090	SAR No. 2635. Exclusions for Waste Generated On-Board Ships (Revision)	2050-AC61
3091	SAR No. 2622. Hazardous Waste Management System, Amendment to Subpart C Rulemaking Petitions: Use of Groundwater Data in Delisting Decisions	2050-AC65
3092	SAR No. 2716. Identification and Listing of Hazardous Wastes from Chlorotoluene Production	2050-AC84
3093	SAR No. 2227. Identification and Listing of Hazardous Wastes from Coke By-Product Industries	2050-AC85
3094	SAR No. 2078. Burning of Hazardous Waste in Boilers and Industrial Furnaces	2050-AA72
3095	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
3096	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB42
3097	SAR No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities	2050-AB80
3098	SAR No. 2391. Landfill, Surface Impoundment, and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
3099	SAR No. 2453. Emission Controls for Hazardous Waste Incinerators	2050-AB90
3100	SAR No. 2461. Land Disposal Restrictions for Soil and Debris Containing Hazardous Wastes	2050-AC03
3101	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
3102	SAR No. 2503. Corrective Action for Releases to Ground Water from Regulated Hazardous Waste Units	2050-AC28
3103	SAR No. 2570. Modification of the Definition of Wastewater Treatment Unit	2050-AC66
3104	SAR No. 2647. RCRA Subtitle C Financial Test Criteria (Revision)	2050-AC71
3105	SAR No. 2664. Definition of Hazardous Waste Tank, Surface Impoundment and Waste Pile (Revision)	2050-AC72
3106	SAR No. 2523. Land Disposal Restrictions for the Third Third of Scheduled Wastes	2050-AC73
3107	SAR No. 2675. Hazardous Waste Sump Requirements in Response to Rulemaking Petition (Revision)	2050-AC79
3108	SAR No. 2435. List (Phase 2) of Hazardous Constituents for Ground Water Monitoring	2050-AC05
3109	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
3110	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
3111	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances - Financial Responsibility Requirements	2050-AC15
3112	SAR No. 2642. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements: Financial Test for Self Insurance for Local Government Entities	2050-AC67
3113	SAR No. 2741. Technical Amendment to Final Underground Storage Tank Rules for Overfill Prevention	2050-AC97

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3114	SAR No. 2653. Medical Waste Demonstration Tracking Program	2050-AC74
3115	SAR No. 2226. Identification and Listing of Hazardous Wastes - Petroleum Refinery Primary Treatment Sludge	2050-AB70
3116	SAR No. 2174. Identification and Listing of Hazardous Wastes - Wood Preserving and Surface Protection Waste	2050-AC43
3117	SAR No. 2157. Identification and Listing of Hazardous Waste - Methyl Bromide	2050-AC60
3118	SAR No. 2575. RCRA Definition of Solid Waste (Revision)	2050-AC68
3119	SAR No. 2224. Solid Waste Disposal Facility Criteria	2050-AB21
3120	SAR No. 2507. Test Methods for Evaluating Solid Waste (Manual SW846) Incorporation by Reference and Mandatory Good Laboratory Practices	2050-AC32
3121	SAR No. 2062. Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants	2050-AA78
3122	SAR No. 2651. Determination on Solid Waste from Selected Metallic Ore Processing Operations	2050-AC41
3123	SAR No. 2058. Forty-seven Analytical Methods Approved for Subtitle C RCRA Hazardous Waste Testing	2050-AC80
3124	SAR No. 1954. Identification and Listing of Hazardous Wastes: Dimethyl Hydrazine	2050-AC91
3125	SAR No. 1854. Identification and Listing of Hazardous Wastes: Chlorinated Aliphatic Wastes	2050-AC92
3126	SAR No. 2676. Amendment to the FO19 Hazardous Waste Listing to Exclude Wastewater Treatment Sludges from Zirconium Phosphating in the Aluminum Can Washing Process	2050-AC78
3127	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AA34
3128	SAR No. 2277. Ground-Water Monitoring at Hazardous Waste Facilities	2050-AB20
3129	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
3130	SAR No. 2397. Permitting Mobile Hazardous Waste Treatment Units	2050-AC20

EPA

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3131	SAR No. 2641. Underground Storage Tanks Containing Petroleum-Financial Responsibility Requirements; Suspension of Enforcement Procedures	2050-AC63

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3132	SAR No. 2487. Delay in the Closure Period for Hazardous Waste Management Facilities	2050-AB71
3133	SAR No. 2522. Land Disposal Restriction for Second Third of Scheduled Wastes	2050-AC55
3134	SAR No. 2521. Hazardous Waste Management System: Subpart C Requirements of Rulemaking Petitions (Revision)	2050-AC75
3135	SAR No. 2527. New Requirements for State Hazardous Waste Programs	2050-AC51

Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3136	SAR No. 1004. NAAQS: Nitrogen Dioxide (Review)	2060-AC06
3137	SAR No. 1001. NAAQS: Carbon Monoxide (Review)	2060-AC07
3138	SAR No. 1010. NSPS: Organic Solvent Degreasing	2060-AA12
3139	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
3140	SAR No. 1695. NSPS: Organic Solvent Degreasing (111d)	2060-AA33
3141	SAR No. 2430. NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants (Review)	2060-AC21
3142	SAR No. 1869. NESHAP: Cadmium	2060-AB92
3143	SAR No. 2360. NESHAP: Perchloroethylene Dry Cleaning	2060-AC27
3144	SAR No. 1695. NESHAP: Organic Solvent Degreasing	2060-AC31
3145	SAR No. 2365. Fuel and Fuel Additives: Health and Emissions Effects Testing	2060-AC10
3146	SAR No. 2629. General Requirements for Determination of Gasoline Metal Content	2060-AC52

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3147	SAR No. 2679. Protection of Stratospheric Ozone	2060-AC09
3148	SAR No. 1919. NAAQS: Lead (Review)	2060-AA95
3149	SAR No. 1920. NAAQS: Ozone (Review)	2060-AA96
3150	SAR No. 2577. NAAQS: Fine Particulate Matter	2060-AC32
3151	SAR No. 2428. Federal Promulgation of State Implementation Plan to Protect Visibility	2060-AB82
3152	SAR No. 2608. New Source Review Requirements -- CMA Exhibit B	2060-AC54
3153	SAR No. 1931. NSPS: SOCMI Reactor Processes	2060-AB55
3154	SAR No. 2424. NSPS: Municipal Waste Combustors	2060-AC26
3155	SAR No. 2535. NSPS: Municipal Landfills	2060-AC42
3156	SAR No. 2719. NSPS: Medical Waste Incineration	2060-AC69
3157	SAR No. 1686. NESHAP: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal-Charged Batteries	2060-AA48
3158	SAR No. 1714. NESHAP: Asbestos Revision (Risk Reduction)	2060-AB51
3159	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
3160	SAR No. 2181. NESHAP: Chromium	2060-AB83
3161	SAR No. 2386. NESHAP: Chromium--Industrial Cooling Towers	2060-AC12
3162	SAR No. 2386. NESHAP: Chromium--Electroplating	2060-AC14
3163	SAR No. 2363. NESHAP: Hazardous Organics	2060-AC19
3164	SAR No. 2484. NESHAP: Ethylene Oxide from Commercial Sterilization	2060-AC28
3165	SAR No. 2557. Guideline on Air Quality Models (Revision)	2060-AC43

EPA

Clean Air Act (CAA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3166	SAR No. 2491. PSD Increments for PM10	2060-AC33
3167	SAR No. 2384. Motor Vehicle Test Procedures for Evaporative Hydrocarbons (Revision)	2060-AC64
3168	SAR No. 2704. On-Board Vehicle Based Diagnostic System Requirement	2060-AC65
3169	SAR No. 2287. Emission Standards for Light-Duty Trucks (Revision)	2060-AB85
3170	SAR No. 2665. Amendments to Motor Vehicle Imports Regulations Pertaining to Canadian Vehicles	2060-AC58
3171	SAR No. 2660. Interim Cold Ambient Air Temperature Carbon Monoxide Emission Standards	2060-AC59
3172	SAR No. 2589. Revisions to the Stack Height Regulation	2060-AC60
3173	SAR No. 2373. Test Procedures for Trap-Equipped Diesel Vehicles and Engines	2060-AC08
3174	SAR No. 2431. Nonconformance Penalties for 1991 through 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines	2060-AC39
3175	SAR No. 2366. Diesel Fuel Quality standards	2060-AC00
3176	SAR No. 2604. Fuel and Fuel Additives: Enforcement of Section 211(f)(4) Waivers	2060-AC53
3177	SAR No. 2690. Radon User Fees	2060-AC66
3178	SAR No. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AB94

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3179	SAR No. 5440. State Implementation Plans: Attainment Status Designations	2060-AC56
3180	SAR No. 1002. NAAQS: Sulfur Oxides (Review)	2060-AA61
3181	SAR No. 2298. New Source Review Requirements -- Surface Coal Mines and Fugitive Emissions	2060-AC40
3182	SAR No. 1618. NSPS: SOCMI Air Oxidation Process	2060-AA30
3183	SAR No. 1733. NSPS: SOCMI Distillation Operations	2060-AA35
3184	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
3185	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
3186	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
3187	SAR No. 2239. NSPS: Small Boilers	2060-AB95
3188	SAR No. 2559. State Implementation Plans: Policy on Post - 1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards	2060-AB96
3189	SAR No. 2285. NSPS: Calciners and Dryers	2060-AC67
3190	SAR No. 2386. NESHAP: Chromium--Comfort Cooling Towers	2060-AC13
3191	SAR No. 2543. Rural Fugitive Dust Policy for PM10	2060-AC44
3192	SAR No. 2547. NESHAP: Radionuclides	2060-AC47
3193	SAR No. 1714. NESHAP for Asbestos (Compliance Revisions)	2060-AC57
3194	NESHAP: Benzene Litigation	2060-AC68
3195	SAR No. 2318. Control of Excess Evaporative Emissions/Fuel Volatility	2060-AB89
3196	SAR No. 2384. Decision on Air Pollution Regulatory Strategies for the Gasoline Marketing Industry	2060-AC04
3197	SAR No. 1315. Trading and Banking of Heavy-duty Engine NOx and PM Emission Credits	2060-AC05
3198	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
3199	SAR No. 2637. Alternative Test Procedure for the Voluntary Aftermarket Part Certification Program	2060-AC50
3200	SAR No. 2638. Motor Vehicle Emissions Performance Warranty Short Tests	2060-AC51

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3201	SAR No. 1845. New Source Review Requirements -- CMA Exhibit A	2060-AA68
3202	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
3203	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
3204	SAR No. 2573. NESHAP: Benzene Reconsideration	2060-AC41
3205	SAR No. 2112. Emission Standards and Test Procedures for Methanol-Fueled New Motor Vehicles	2060-AB28
3206	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
3207	SAR No. 2145. Voluntary Aftermarket Part Certification Regulations (Revision)	2060-AB58
3208	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60

EPA

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3209	SAR No. 2702. Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Cost Recovery	2050-AC98
3210	SAR No. 2650. National Contingency Plan-Subpart K: A Roadmap to the NCP for Federal Facilities	2050-AC76
3211	National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites - Update 10	2050-AD01
3212	SAR No. 2498. Administrative Hearing Procedure for Superfund Claims	2050-AC26
3213	SAR No. 2401. Technical Assistance Grants to Groups of Individuals at Superfund Sites	2050-AC10

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3214	SAR No. 2336. Designation of Extremely Hazardous Substances as CERCLA Hazardous Substances	2050-AB62
3215	SAR No. 2429. Reportable Quantities (RQs) for Substances on the Extremely Hazardous Substances List	2050-AC14
3216	SAR No. 2411. Reporting Continuous Releases of Hazardous Substances	2050-AA46
3217	SAR No. 2394. Reporting Exemptions for Federally Permitted Releases of Hazardous Substances	2050-AB82
3218	SAR No. 2538. Procedures for Planning and Implementing Off-Site Response Actions	2050-AC35
3219	SAR No. 2400. National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	2050-AA75
3220	SAR No. 2566. Hazard Ranking System for Uncontrolled Hazardous Substance Releases	2050-AB73
3221	SAR No. 5358. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 7	2050-AC16
3222	SAR No. 5434. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 6	2050-AC47
3223	SAR No. 5357. National Priorities List for Uncontrolled Hazardous Waste Sites - RCRA Sites	2050-AC48
3224	SAR No. 2667. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 8	2050-AC81
3225	SAR No. 2688. National Priorities List for Uncontrolled Hazardous Waste Sites Update 9	2050-AC99
3226	National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites - Update (Health Advisory Sites)	2050-AD00
3227	SAR No. 2564. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
3228	SAR No. 2464. Reporting Hazardous Substances Activity When Transferring Federal Real Property	2050-AC00
3229	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11
3230	SAR No. 2674. Delisting Certain Chemicals from the List of Extremely Hazardous Substances (Revision)	2050-AC77
3231	SAR No. 2644. Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements; Implementation of Reporting Requirements for Indian Lands	2050-AB88
3232	SAR No. 2512. Administrative Hearing Procedures for Class II Penalties under CERCLA and Emergency Planning and Community Right-to-Know Act	2050-AC39
3233	SAR No. 2615. Prior Notice of Citizen Suits Under CERCLA and the Emergency Planning and Community Right-to-know Act	2050-AC70

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3234	SAR No. 2104. Reportable Quantities for Releases of Potential Carcinogens and Other Hazardous Substances	2050-AA80
3235	SAR No. 2335. Reportable Quantities (RQs) for Releases of Radionuclides	2050-AB60
3236	SAR No. 5433. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 5	2050-AC45
3237	SAR No. 0932. National Priorities List for Uncontrolled Hazardous Waste Sites - Federal Facility Policy and Listing	2050-AC57
3238	SAR No. 2455. Arbitration Procedures for Small Superfund Cost Recovery Claims	2050-AC36
3239	SAR No. 2495. Citizen Awards for Information on Criminal Violations under Superfund	2050-AC38
3240	SAR No. 2427. Worker Protection Standards for Hazardous Waste Operations and Emergency Response	2050-AC12
3241	SAR No. 2511. Administrative Hearing Procedures for Class I Civil Penalties Under CERCLA and the Emergency Planning Community Right-to-Know Act	2050-AC37

EPA

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3242	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
3243	SAR No. 0952. Evaluation Procedure for Award of Fixed Price Contracts for Commercial Supplies and Services	2030-AA09
3244	SAR No. 0951. Contractor Compliance with Information Resources Management Directives	2030-AA10
3245	SAR No. 0950. Miscellaneous Delegations from the Contracting Authority	2030-AA11
3246	SAR No. 0949. Implementation of Federal Acquisition Regulation Coverage on Ratification of Unauthorized Commitments	2030-AA12
3247	SAR No. 2683. Payment of Fee on Term Form Contracts	2030-AA15
3248	SAR No. 2739. Claiming Billing Information as Confidential Information	2030-AA17
3249	SAR No. 2662. Amendments to Part 22 Consolidated Procedural Rules	2020-AA13
3250	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
3251	SAR No. 2536. Procedures and Requirements Implementing the National Environmental Policy Act for the Environmental Protection Agency's Research and Development Program	2030-AA14

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3252	SAR No. 2551. Environmental Protection Agency Acquisition Regulation (EPAAR); Submission of General Financial and Organizational Information, and Purchasing System Information by Offerors	2030-AA06
3253	SAR No. 2740. Data Rights	2030-AA16
3254	SAR No. 2738. Billing Requirements for EPA Contractors	2030-AA18
3255	SAR No. 2652. EPCRA Inspection Authority and Procedures	2020-AA15
3256	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistance From the EPA (Revision)	2090-AA09
3257	SAR No. 2476. Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2010-AA11

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3258	SAR No. 2307. Notice Requirements for Citizen Suits under the SDWA	2040-AB59
3259	SAR No. 2609. Collection of Civil Penalties under Title II of the Toxic Substances Control Act, and the Asbestos Hazard Emergency Response Act	2020-AA14

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

2985. PESTICIDE REGULATIONS FOR PESTICIDAL TRANSGENIC PLANTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 2; 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136c/FIFRA 5

CFR Citation: 40 CFR 152.20

Legal Deadline: None

Abstract: EPA will consider the need for an amendment to clarify that chemical pesticides produced by transgenic plants are not considered to be biological pest control agents and, therefore, may not be exempt from the provisions of FIFRA (the existing section 152.20 exempts from FIFRA regulation all plants that may be used as biological pest control agents). Instead, chemical pesticides produced by transgenic plants may receive regulatory oversight similar to that which is already in place for chemical pesticide products that are produced and applied by conventional means. This regulation and its development will be coordinated with USDA/APHIS and other agencies, as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2684.

FTS:8-557-9307

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-9307

RIN: 2070–AC02

2986. RESTRICTED USE CLASSIFICATION FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136d/FIFRA 6; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of the potential to leach into groundwater. The Agency will propose criteria for classifying such pesticides for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2351.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7508C), Washington, DC 20460, 703 557-3942

RIN: 2070–AB60

2987. REGISTRATION DATA REQUIREMENTS FOR PESTICIDE PRODUCT PERFORMANCE AND COMPANION PESTICIDE ASSESSMENT GUIDELINES (REVISION)

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 158.640

Legal Deadline: None

Abstract: The Agency may change pesticide producer requirements on submission of qualitative and quantitative product performance data relative to other chemical or non-chemical practices. A companion revised quideline may provide protocols and methodologies for conducting the studies necessary to produce acceptable compartive performance data. Registrants may experience cost increases to support registration of pesticide products. The benefits would be better and more uniform data on pesticide product performance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2567.

FTS:8-557-3691

Agency Contact: Bernard A. Schneider, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7503C), Washington, DC 20460, 703 557-3691

RIN: 2070–AB82

2988. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 7 USC 136b/FIFRA 4; 7 USC 136j/FIFRA 12; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171.12

Legal Deadline: None

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of state plans under FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2337.

FTS: 8-557-7410

Agency Contact: Robert Bielarski, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, D.C. 20460, 703 557-7410

RIN: 2070–AB48

2989. REGULATIONS ON CERTIFICATION OF PESTICIDE APPLICATORS (REVISION)

Legal Authority: 7 USC 136a/FIFRA 4; 7 USC 136b/FIFRA 4; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirements may need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Organizations

Government Levels Affected: State

Additional Information: SAR No. 2446.

FTS:8-557-7410

Agency Contact: Chuck Reese, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7410

RIN: 2070–AB75

2990. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701/FIFRA 4

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This rule is intended to implement a program for assessing fees for certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and

will cover the costs of administering such programs

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2406.

FTS:8-557-7410

Agency Contact: Chuck Reese, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7410

RIN: 2070–AB76

2991. AMENDMENTS TO EXPERIMENTAL USE PERMIT RULE FOR CERTAIN MICROBIAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136c /FIFRA 5; 7 USC 136a/FIFRA 3

CFR Citation: 40 CFR 172

Legal Deadline: None

Abstract: EPA proposes to amend its experimental use permit regulations for pesticides to clarify the circumstances under which an experimental use permit is presumed not to be required and to specify that the presumption is based on risk. EPA also proposes to require notification before initiation of small-scale testing of certain genetically modified microbial pesticides. Each notification will be reviewed by the Agency, and a determination made as to whether an experimental use permit will be required. This notification scheme would implement provisions of the Agency's policy statement of June 26, 1986 (51 FR 23302), with some modifications, and is intended to provide sufficient oversight of the early testing of these microbial pesticides pesticides to mitigate any adverse human health or environmental effects.

Timetable:

Action	Date	FR Cite
Notice	02/15/89	54 FR 7026
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2445.

FTS:8-557-9307

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, DC 20460, 703 557-9307

RIN: 2070–AB77

2992. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6(a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is reissuing it as a proposal to clarify the types of information which registrants must report to EPA. EPA is also incorporating instructions for use by registrants who are subject to generating reregistration data on what 6(a)(2) data to identify during reregistration.

Timetable:

Codified Interpretive Rule
Final Action 09/20/85 (50 FR 38115)
Enforcement Policy
Final Action 07/12/79 (44 FR 40716)
Interpretive Rule
Final Action 08/23/78 (43 FR 37611)
NPRM 11/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2338.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, D.C. 20460, 703 557-3942

RIN: 2070–AB50

2993. ● PESTICIDE DATA REQUIREMENTS: METHODS FOR SAFE STORAGE AND DISPOSAL

Legal Authority: 7 USC 136 / FIFRA 3, FIFRA 6, FIFRA 19

CFR Citation: 40 CFR 158; 40 CFR 165

Legal Deadline: None

Abstract: EPA is authorized to issue regulations to specify the types and minimum amounts of data the Agency requires to support the registration or continued registration of a pesticide, and for other purposes. This rule may specify the necessary information and data EPA would require regarding methods for the safe storage and disposal of pesticides. The data requirements table and supporting information would become a part of existing 40 CFR Part 158.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2724.

FTS: 8-557-5739

Agency Contact: Robert Holst, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), 703 557-5734

RIN: 2070–AC11

2994. ● FIFRA BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION AMENDED

Legal Authority: 7 USC 136f/FIFRA Section 8

CFR Citation: 40 CFR 169

Legal Deadline: None

Abstract: This action may change the requirements for registrants and applicants records under FIFRA Section 8. It will also examine recordkeeping affected by the 1988 amendments to FIFRA and amend 40 CFR Part 169, as necessary.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2725.

FTS:8-475-7786

Agency Contact: Steve Howie, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 475-7786

RIN: 2070–AC07

2995. ● PESTICIDE DATA REQUIREMENTS

Legal Authority: 7 USC 136 /FIFRA 8

CFR Citation: 40 CFR 158

Legal Deadline: None

Abstract: This amendment may update the data requirements for evaluating the risks of pesticide products. Recent health and environmental concerns (e.g., groundwater contamination and neurotoxicity) and advancements in testing technology have changed. Also, the revisions may clarify data requirements to reflect current practice.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2687.

FTS:8-557-7695

Agency Contact: Amy Rispin, Environmental Protection Agency, Pesticides and Toxic Substances, (H-750 7C), 703 557-7695

RIN: 2070–AC12

2996. ● REVISION OF STATEMENT OF POLICY ON FIFRA SECTION 17(A), PESTICIDES AND DEVICES INTENDED FOR EXPORT

Legal Authority: 7 USC 136 / FIFRA 17

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action will revise the Statement of Policy to improve compliance monitoring. Changes will be incorporated to improve recognition and response to potential violations of FIFRA 17(a).

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2735.

FTS:8-475-7786

Agency Contact: Steve Howie, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), 202 475-7786

RIN: 2070–AC09

2997. STORAGE, DISPOSAL, TRANSPORTATION, AND RECALL OF PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136q/FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: Final, Statutory, December 24, 1991. Other, Statutory, December 24, 1990.
Regulations on container design and rinsate handling, as a part FIFRA 88, required by 12/24/91. Container study Report to Congress by 12/24/90.

Abstract: The 1988 amendments to FIFRA significantly expand EPA authority to regulate the storage, transportation, and disposal of pesticides. The Agency may exercise this authority through data requirements for pesticide registration, labeling provisions, procedures for recall of cancelled products, and other regulations for storage, transport, and disposal of pesticides, containers, and materials contaminated by pesticide residues.

Timetable:

Container Design
NPRM 10/00/90
Storage, Disposal, Transportation and Recall of Pesticides
NPRM 10/00/90
Final Action 12/00/91

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2659.

FTS:8-557-0481

Agency Contact: Dr. Paul F. Schuda, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7507C), Washington, D.C. 20460, 703 557-0481

RIN: 2070–AB95

2998. CHILD-RESISTANT PACKAGING REGULATIONS (REVISION)

Legal Authority: 7 USC 136/FIFRA 25

CFR Citation: 40 CFR 157; 16 CFR 1700.15; 16 CFR 1700.20

Legal Deadline: None
EPA regulations should be concurrent with CPSC.

Abstract: These regulations will revise current Child Resistant Packaging regulations (CRP) to be consistent with 6 CRP protocol testing revisions the CPSC is proposing for its CRP regulations. Also, these regulations will discuss the implementation of these changes in terms of pesticide registrations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2639.

FTS: 8-557-7700

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, 703 557-7700

RIN: 2070–AB96

2999. RESPONSES TO PETITIONS RECEIVED TO ADD TO OR DELETE CHEMICALS FROM THE LIST OF TOXIC CHEMICALS UNDER SECTION 313 OF SARA

Legal Authority: 42 USC 11013 SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: NPRM, Statutory, 00/00/00. Other, Statutory, 00/00/00.
For each of these petitions the Agency must either initiate rulemaking or provide an explanation for the denial in the Federal Register within 180 days.

Abstract: These are various actions to grant or deny petitions received to add to or delete chemicals from the list of

toxic chemicals under Section 313 of SARA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: SAR No. 2425.

FTS: 8-382-3667

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, **202 382-3667**

RIN: 2070–AC00

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

3000. FOOD ADDITIVE REGULATIONS CONCERNING PESTICIDE RESIDUES: PROCEDURAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346a/FFDCA 408; 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: The first phase of this regulation will set forth procedures for which food additive tolerances, required by section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), may be established, modified or revoked. The proposal also covers procedural rules governing the filing of objections, requests for hearings and hearing procedures under FFCDA Sections 408 and 409. In the second phase, which will overlap the first, the Agency plans to develop a unified regulation that will deal with the substantive interpretations and criteria for deciding when tolerances or food additive regulations are needed, what data are needed to support a tolerance or food additive regulation, and what criteria will be used by EPA to determine whether a tolerance or food additive regulation should be established, modified, or revoked.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41126
FFDCA Section 408/409 Procedural Rules		
Final Action	12/31/89	
FFDCA Section 409 Tolerance Criteria		
NPRM	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2444.

FTS:8-557-7700

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), Washington, DC 20460, **703 557-7700**

RIN: 2070–AB78

3001. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136d/FIFRA 6; 7 USC 136w/FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2289.

FTS: 8-557-0944.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, **703 557-0944**

RIN: 2070–AB46

3002. ● POLICY OR PROCEDURES FOR NOTIFICATION TO THE AGENCY OF STORED PESTICIDES WITH CANCELLED OF SUSPENDED REGISTRATION

Legal Authority: 7 USC 136 / FIFRA 6

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This policy will implement the requirements of section 6(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The policy will provide procedures for certain persons who possess cancelled or suspended pesticides to notify the EPA and State and local officials of (1) such possessions; (2) the quantity possessed; and (3) the place the pesticide is stored.

Timetable:

Action	Date	FR Cite
Final Policy	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2720.

FTS:8-382-7825

Agency Contact: Dan Helfgott, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, **202 382-7825**

RIN: 2070–AC08

3003. INTERPRETATIVE RULE - ADVERTISING CLAIMS MADE FOR REGISTERED PESTICIDE PRODUCTS

Legal Authority: 7 USC 136j /FIFRA 12

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: This rule interprets FIFRA section 12(a)(1)(B) which provides for the regulation of claims made when advertising registered pesticide products. The rule will establish

EPA—FIFRA **Final Rule Stage**

standards for acceptable advertising claims with respect to claims made about the safety and efficacy of the product.

Timetable:

Codified Interpretative Rule
Final Action 11/30/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2554.

FTS:8-557-7443

Agency Contact: Jean Jenkins, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7505C), 703 557-7443

RIN: 2070–AB88

3004. WORKER PROTECTION STANDARDS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136j/FIFRA 26; 7 USC 136w(a)/FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The Worker Protection Standards for agricultural pesticides will be revised to reflect new and developing requirements for the registration, reregistration and use of pesticides. The current standards need to be revised in order to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	07/08/88	53 FR 25970
Final Action	10/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (H-7506C), Washington, DC 20460, 703 557-7666

RIN: 2070–AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

3005. FIFRA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

CFR Citation: 40 CFR 160

Completed:

Reason	Date	FR Cite
Final Action	07/17/89	54 FR 34052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Howie 202 475-7786

RIN: 2070–AB68

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Prerule Stage

Toxic Substances Control Act (TSCA)

3006. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2608/TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None

Abstract: EPA, in consultation with the Consumer Product Safety Commission, Occupational Safety and Health Administration, and Food and Drug Administration, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride and five other chlorinated solvents. In some cases, these chlorinated solvents are competitive and can be easily substituted for each other in a number of uses. The integrated effort is being conducted to reach general agreement on the risks associated with the solvents and to avoid ineffective risk management actions that may occur due to solvent switching or pollutant transfer among media which could be caused by piecemeal regulation. Data are being gathered for six solvents (methylene chloride, perchloroethylene, trichloroethylene, methyl chloroform, carbon tetrachloride, and CFC-113 which is now being phased out due to its ozone depletion characteristics) and their potential substitutes. This regulatory investigation is focused on three categories: metal cleaning, paint stripping, and aerosol application. The investigation will determine whether coordinated regulatory controls are needed to eliminate or reduce (cont)

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2284.

FTS: 8-382-3777.

ABSTRACT CONT: exposure to these solvents.

Agency Contact: Larry Dorsey, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3777

RIN: 2070–AB41

3007. SCRAP METAL RECYCLING REGULATORY CONTROLS

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 7

Legal Deadline: None

EPA—TSCA **Prerule Stage**

Abstract: Processing, distribution in commerce, and disposal activities by the scrap metal recycling industry are resulting in some releases of PCBs (and other hazardous substances such as lead) at levels exceeding current regulatory action levels. The problem may affect all media (air, land, and water). Regulatory options under consideration focus on the mandate of both the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA). Options include: (1) mechanisms to provide relief to the shredding industry such as authorizing PCB-related activities that do not present an unreasonable risk, and (2) the feasibility of using TSCA to reduce risks posed by other materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2654.

FTS: 8-382-3866

An RIA and an RFA would not be statutorily required for this regulation because the rule would grant relief from the Toxic Substances Control Act (TSCA) processing, distributions in commerce and disposal requirements rather than impose additional burdens on the regulated community. Nevertheless, we do plan to assess the economic impact of any proposed actions on industry, particularly small businesses, as part of our unreasonable risk analysis for TSCA.

Agency Contact: John Smith, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AC01

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Proposed Rule Stage

Toxic Substances Control Act (TSCA)

3008. TOXIC CHEMICAL "PEAK RELEASE" REPORTING RULE (REVISION)

Legal Authority: 42 USC 11013 /SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add a "peak release" reporting element to the Toxic Chemical Release Inventory Reporting Form. Reporting of releases is of annual aggregate releases to all environmental media. The proposal addresses the issue of obtaining a more specific indication of this frequency and/or duration of releases in order to better assess risks to health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2555.

FTS:8-382-3667

Agency Contact: Susie Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, **202 382-3667**

RIN: 2070–AB86

3009. DECISIONS ON TEST RULES: PROPOSED RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: Other, Statutory. 12-month statutory deadline for ITC-designated chemicals

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing, obtain testing through negotiated consent orders, or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through EPA review processes.

Timetable:

Aryl Phosphates (ITC List 2) (SAR 5369)
ANPRM 12/29/83 (40 FR 57452)
Aryl Phosphates (ITC List 2)(SAR 5369)
NPRM 12/00/90
C.I. Disperse Blue 79 (ITC List 19)(SAR 5370)
FINAL RULE/Consent Order 12/00/89
Crotonaldehyde (ITC List 22) (SAR 5454)
FINAL RULE/Consent Order 12/00/89
Disperse Red 60 (ITC List 21) (SAR 5388)
NPRM 12/00/89
Ethoxylated Quaternary Ammonium Compounds (SAR 5456)
NPRM 12/00/89
Glycidols (ITC List 3) (SAR 5375)
ANPRM 12/30/83 (48 FR 57562)
Glycidols(ITC List 3) (SAR 5375)
NPRM 12/00/89
Hexamethylene Diioscyanate (ITC List 22)(SAR 5453)
NPRM 05/17/89 (54 FR 21240)
Imidazolium Quaternary Ammonium Compounds (SAR 5455)
NPRM 11/00/90
N-Methylpyrolidone(SAR 2757)
NPRM 12/00/89
Nonylphenol (SAR 5380)
NPRM/Consent Order 10/00/89
1,1,1-Trichloroethane (muta/neuro) (ITC List 2) (SAR 5384)
FINAL RULE/Consent Order 10/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

See SAR number listed next to each action.

FTS: 8-475-8130.

The following rules were deleted from the NPRM list of Test Rules: Acid Blue 40 (ITC List 21 - SAR 5385 - withdrawn by ITC), Acid Blue 45 (ITC List 21 - SAR 5386 - withdrawn by ITC), Acrylates (SAR 5368 - withdrawn by ITC), Disperse Blue 56 (ITC List 21 - SAR 5387 - withdrawn by ITC), Methylolurea (ITC List 12 - SAR 5379 - decision made not to test)

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 475-8130**

RIN: 2070–AB07

3010. SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: The regulation will set forth the policies and procedures for using the TSCA Section 4 testing authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act (SARA).

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2563.

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 475-8130**

RIN: 2070–AB79

3011. AMENDMENTS TO TEST RULES AND CONSENT AGREEMENTS

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This action will amend the testing consent order process to increase its efficiency. The consent order process was adopted by the Agency in June 1986. Based on experience to date, the Agency needs to make changes in the process to reduce the resources required for consent order negotiation. This rule would propose appropriate procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2657.

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 475-8130**

RIN: 2070–AB97

3012. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Certain CFC Substitutes
NPRM 11/00/89

2,4-Pentanedione
NPRM 10/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070–AA58

3013. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, import, processing, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture, import, or process the substance without controls. Therefore, EPA by rule, designates manufacture, import, or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Timetable:

(84-274) (see additional information for title) (SAR 5407)
NPRM 08/26/85 (50 FR 34505)
Final Action 03/00/90

(85-1176) (see additional information for title) (SAR 5404)
NPRM 06/00/90

(85-544) (see additional information for title) (SAR 5408)
NPRM 06/00/90

(85-564) (see additional information for title) (SAR 5405)
NPRM 06/00/90

(85-703) (see additional information for title) (SAR 5406)
NPRM 06/23/86 (51 FR 22831)
Final Action 06/00/90

Alkyl Aryl Phosphine (83-1023) (SAR 5413)
NPRM 09/20/84 (49 FR 36880)
Final Action 06/00/90

Alkyl Glycoether Acrylic Acid Derivative (84-27) (SAR 5414)
NPRM 12/24/84 (49 FR 49868)
Final Action 03/00/90

Brominated Aryl Alkyl Ether, Ethylated Amino (SAR 5415)
NPRM (83-906/908/909/910) 09/28/84 (49 FR 38303)
Final Action 06/00/90

Certain Acrylate and Methacrylate Chemicals (SAR 5416)
NPRM 03/27/85 (50 FR 12046)
Final Action 03/00/90

Certain Acrylate Chemicals (84-341-344) (SAR 5417)
NPRM 04/04/86 (51 FR 11591)
Final Action 03/00/90

Methylammonium n-Methyldithiocarbamate (84-1042) (SAR 5418)
NPRM 03/24/86 (51 FR 10027)
Final Action 06/00/90

N,N,N'N'-Tetrakis (oxiranyimethyl) (SAR 5420)
NPRM (84-7) 01/13/86 (51 FR 1396)
Final Action 03/00/90

Polyol Polyacrylate (85-718) (SAR 5419)
NPRM 03/00/90

Substituted Benzene, Halogenated (85-612) (SAR 5421)
NPRM 06/00/90

Substituted Benzene, Halogenated (84-660 and 84-704) (SAR 5422)
NPRM 03/18/86 (51 FR 9221)
Final Action 06/00/90

Substituted Bromothiophene (83-769) (SAR 5423)
NPRM 09/28/84 (49 FR 38310)
Final Action 06/00/90

Substituted Methylpyridine (83-237)(SAR 5424)
NPRM 02/06/84 (49 FR 4390)
Final Action 10/00/90

Substituted Polyester Resin (85-395)(SAR 5425)
NPRM 03/00/90

Substituted Tetrafluoro Alkanes (84-105/106/107) (SAR 5426)
NPRM 03/21/85 (50 FR 11384)
Final Action 10/00/90

2-Butenedioic Acid(z), (85-543) (SAR 5427)
NPRM 03/00/90

2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl (SAR 5428)
NPRM 03/00/90

2-Propenoic Acid, (85-546) (SAR 5429)
NPRM 03/00/90

2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester (SAR 5430)
NPRM 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

See SAR number listed next to each action.

FTS:8-382-3771.

(85-1176) Alcohols, C1-4, ethers with Polyethylent-polypropylene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene; 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroelectric melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

(84-274) Poly[oxy-1,4-butanediyl)-alpha-(1-oxo-2-propenyl) -omega-((1-oxo-2-propenyl)-oxy)

(85-544) 2-Propenoic Acid, 2-Methyl-7,7,9-Trimethyl-4,13-dioxo- 3,14-Dioxo-t,12-Diazahexadecane,1,16-Dyl Ester

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3771

RIN: 2070–AB27

3014. GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of manufacture or process for a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2247.

FTS: 8-382-3771

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070–AB56

3015. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act, the agency is proposing two separate regulatory actions for manufacturers, importers, and processors of certain microbial products of biotechnology. Under section 5, the Agency is proposing to amend its definition of "small quantities solely for research and development" contained in the Premanufacture Notification (PMN) Rule, thereby requiring persons to submit notices prior to testing new microorganisms in the environment. This amendment will require reporting for new microorganisms and will establish a special notification mechanism for experimental releases of microorganisms. EPA also is proposing significant new use notification requirements under section 5(a)(2), which would ensure that EPA will receive for review, notices of large scale releases of other microorganisms developed for significant new uses, and will review small-scale environmental releases. The primary objective of these actions is to ensure uses of microorganisms in the environment do not affect human health and the environment in unforeseen and possible harmful ways.

Timetable:

Action	Date	FR Cite
Notice	02/15/89	54 FR 7027
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information:

SAR No. 2325 (SNUR for Certain Biotech Products); SAR No. 2326 (PMN for Certain Biotech Products)

FTS:8-382-3856

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB61

EPA—TSCA

Proposed Rule Stage

3016. PROPOSAL TO EXEMPT CERTAIN MICROORGANISMS FROM PMN REQUIREMENTS UNDER TSCA 5(H)(4)

Significance: Regulatory Program

Legal Authority: 15 USC 1504/TSCA 5

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act, the Agency will propose to exempt from review new microorganisms used in certain contained systems. The Agency considers it a priority to exempt from consideration organisms that can be shown to meet the statutory requirements under section 5(h)(4) of TSCA. To meet those requirements, it must be shown that the substances will not present unreasonable risks. EPA is considering public comment received and other evidence concerning use of microorganisms in closed systems and other controlled environments to determine whether those categories satisfy the requirements of section 5(h)(4) of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: SAR No. 2561.

FTS:8-382-3856

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3856**

RIN: 2070–AB89

3017. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: Other, Judicial, October 30, 1989.
Court Ordered Deadline for Bi-Annual Progress Report every April and October.

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for reducing the exposure to formaldehyde of: (1) residents exposed to formaldehyde emissions from wood products used in the construction of manufactured homes; (2) similarly exposed residents of conventional homes; (3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. When OSHA proposed a revised workplace standard in December 1985 that applies to all occupational exposure, EPA terminated its investigation with respect to apparel manufacturing employees. Investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	03/19/86	51 FR 9469
Bi-Annual Progress Report	10/00/89	
Section 9 Report, NPRM, or Statement of No Unreasonable Risk Regarding Wood Products	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2146.

FTS: 8-382-2134.

Agency Contact: George Semeniuk, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-2134**

RIN: 2070–AB14

3018. PROCEDURES AND CRITERIA FOR TERMINATION OF POLYCHLORINATED BIPHENYL DISPOSAL PERMITS

Legal Authority: 15 USC 2605/TSCA 6; 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under section 6(e) of TSCA, the Agency is considering establishing uniform procedures and criteria for the revocation and suspension of TSCA disposal permits. The regulation would establish uniform revocation procedures and criteria and thereby ensure consistency in permit revocation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2560.

FTS:8-382-3866

Agency Contact: John Smith, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AB81

3019. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. These chemicals are identified by OTS, other EPA offices, other Agencies, as well as chemicals recommended by the Interagency Testing committee (ITC) on the TSCA Section 4(e) Priority List. Manufacturers, importers, and processors of listed substances must submit unpublished health and safety data on those listed substances.

EPA—TSCA

Proposed Rule Stage

Timetable:

Certain CFC Substitutes
NPRM 11/00/89
25th ITC List Chemicals
Final Action 11/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1139.

FTS: 8-382-3938.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070–AB11

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Toxic Substances Control Act (TSCA)

3020. MODIFICATION OF TOXIC RELEASE REPORTING UNDER SARA 313, TITLE III

Legal Authority: 42 USC 11013/SARA 0313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add ten chemicals to the list of toxic chemicals under Section 313 of SARA. The addition of nine of these substances is based on concerns for carcinogenicity and chronic toxicity as reflected in determinations made under Section 102 of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA). EPA believes that these chemicals meet the criteria for addition to the list of toxic substances as established in Section 313(d)(2). EPA is also proposing a modification to include toluenediisocyanate (mixed isomers) on the same concern of health and environmental effects as the individual isomers already on the list.

Timetable:

Action	Date	FR Cite
NPRM	04/21/89	54 FR 16138
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2658.

FTS:8-382-3667

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070–AB98

3021. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) which allowed for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology) and added consent orders as a means of obtaining test data required under Section 4 of TSCA. This rule will simplify the procedures governing the development and implementation of testing requirements under 2-phase rulemaking, and amend the current procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule (Technical Modification)	09/01/89	54 FR 36311
Interim Final Rule (Technical Modification)	12/00/90	
Final Action	06/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB30

3022. DECISION ON TEST RULES: FINAL RULES

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA has issued proposed test rules and will take final action under TSCA section 4. The Agency defines final action as promulgation of a test rule or withdrawal of a proposed test rule. (See also Decisions on Test Rules: Proposed Rules under RIN: 2070-AB07.)

Timetable:

C.I. Disperse Blue 79 (ITC List 19) (SAR 5370)
Final Action/Consent Order 12/00/89

Crotonaldehyde (ITC List 22) (SAR 5454)
Final Action/Consent Order 12/00/89

Cyclohexane (ITC List 18) (SAR 5391)
NPRM 05/20/87 (52 FR 19096)
Final Action 12/00/89

Diethylene glycol butyl ether acrylate (ITC List 13) (SAR 5392)
ANPRM 11/19/84 (49 FR 45606)
NPRM 04/04/86 (51 FR 27880)
Final Action 09/00/89

Isopropanol (ITC List 19) (SAR 5376)
NPRM 03/16/88 (53 FR 8638)
Final Action 12/00/89

Phenylenediamines (ITC List 6) (SAR 5382)
NPRM 01/06/86 (51 FR 472)
NPRM 01/14/88 (53 FR 913)
Final Action 12/00/89

Tributyl Phosphate (ITC List 19) (SAR 5383)
Final Action 12/00/89

Triethylene glycol monomethyl, monoethyl (SAR 5402)
NPRM 05/15/86 (51 FR 17883)
Final Action 04/03/89 (54 FR 13470)

Vinylidene Chloride (SAR 5403)
NPRM 08/12/86 (51 FR 28840)
Final Action 04/03/89 (54 FR 13472)

1,1,1-Trichloroethane (mutalneuro) (ITC List 2)
Final Action/Consent Order 10/00/89

2,6 Di-tert-butylphenol (ITC List 18)(SAR 5394)
NPRM 06/25/87 (52 FR 23862)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

See SAR number listed next to each action.

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB94

3023. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Diphenyl-2,4,6-Trimethylbenzol Phosphine Oxide (87-586)
NPRM 02/02/88 (53 FR 2857)
Final Action 00/00/00

1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)
NPRM 12/08/87 (52 FR 46496)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070–AA59

3024. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32326
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2150.

FTS:8-382-3866

Agency Contact: John Smith, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070–AB20

3025. PCB NOTIFICATION AND MANIFESTING RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under the authority of TSCA, EPA is considering rulemaking which would require that all PCB wastes be manifested for disposal. The purposes of the regulation would be 1) to obtain information about handlers and storers of PCB wastes; and 2) to track shipment of wastes containing PCBs. The rulemaking will also consider imposing new requirements on commercial storers of PCB wastes.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37436
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2550.

FTS:8-382-3866

Agency Contact: John Smith, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070–AB83

3026. ● PARTIAL UPDATING OF THE TSCA INVENTORY DATA BASE

Legal Authority: 15 USC 2607 / TSCA 7

CFR Citation: 40 CFR 710

Legal Deadline: None

Abstract: This rule was promulgated in 1986 in order to obtain recent production volume and plant site data for chemical substances on the TSCA Inventory. The rule requires reporting every four years. OTS is making some technical amendments to the rule in order to facilitate compliance and to make the rule consistent with other OTS and EPA reporting activities.

Timetable:

Action	Date	FR Cite
Final Action Technical Amendment	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2704.

FTS:8-382-3536

Agency Contact: Donald Sadowsky, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-793), 202 382-3536

RIN: 2070–AC10

EPA—TSCA — Final Rule Stage

3027. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712). These chemicals are identified by OTS, other EPA offices, and other Agencies, as well as chemicals recommended by the Interagency Testing Committee (ITC) on the TSCA Section 4(e) priority list. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions.

Timetable:

25th ITC List Chemicals
Final Action 11/00/89

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, 202 382-3436

RIN: 2070–AB08

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Completed Actions

Toxic Substances Control Act (TSCA)

3028. TSCA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

CFR Citation: 40 CFR 792

Completed:

Reason	Date	FR Cite
Final Action	07/17/89	54 FR 34034

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steve Howie 202 475-7786

RIN: 2070–AB65

3029. PROCEDURAL RULE FOR EXPEDITED NEW CHEMICAL FOLLOW-UP

Significance: Regulatory Program

CFR Citation: 40 CFR 721

Completed:

Reason	Date	FR Cite
Final Action	07/27/89	54 FR 31298

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Bowser 202 382-3771

RIN: 2070–AB64

3030. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

CFR Citation: 40 CFR 763

Completed:

Reason	Date	FR Cite
Final Action	07/12/89	54 FR 29460

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Rigby 202 382-3862

RIN: 2070–AB29

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Prerule Stage

Clean Water Act (CWA)

3031. ● OIL AND GAS EXTRACTION POINT SOURCE CATEGORY; COASTAL SUBCATEGORY, EFFLUENT LIMITATION GUIDELINES AND NEW SOURCE PERFORMANCE STANDARDS

Legal Authority: 33 USC 1314 /CWA 301; 33 USC 1316/CWA 306; 33 USC 1317/CWA 307; 33 USC 1361/CWA 501

CFR Citation: 40 CFR 435.40; 40 CFR 435.60

Legal Deadline: None

Abstract: EPA will begin development of regulations under the Clean Water Act to limit effluent discharges to the waters of the United States from coastal oil and gas extractor facilities. These regulations will apply to the aforementioned facilities involved in exploration, development and production operations. These regulations would establish effluent limitations and guidelines based on BAT and BCT and would establish new source performance standards (NSPS).

Timetable:

Action	Date	FR Cite
NOTICE	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2747.

FTS:8-382-7115

Agency Contact: Karen S. Troy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7115

RIN: 2040–AB72

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Clean Water Act (CWA)

3032. WATER QUALITY STANDARDS - REVISION

Significance: Agency Priority

Legal Authority: 33 USC 1313(c) /CWA 303(c)

CFR Citation: 40 CFR 131

Legal Deadline: None

Abstract: This action establishes requirements for the adoption of numeric criteria for 307(a) priority pollutants in water quality standards pursuant to Section 303(c)(2)(b) of the CWA, thus bringing the water quality standards regulation into compliance with the CWA, as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2497.

FTS-475-7315.

Agency Contact: David K. Sabock, Environmental Protection Agency, Water, (WH-585), Washington, D.C. 20460, 202 475-7315

RIN: 2040–AB56

3033. PHARMACEUTICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None

Abstract: The Agency will review and revise as appropriate the effluent limitations guidelines and standards for the pharmaceuticals industry. A major part of the review will consider revisions to the regulations to include limitations on toxic and non-conventional volatile organic pollutants. The existing proposal covering NSPS for conventional pollutants may also be reevaluated.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
NPRM NSPS	10/27/83	48 FR 49832
Final Action	10/27/83	48 FR 49808
NOTICE	11/01/83	48 FR 50322
NOTICE	01/10/84	49 FR 1190
NPRM BCT Cost	03/09/84	49 FR 8967
NOTICE	04/26/84	49 FR 17978
NOTICE New Data	07/02/84	49 FR 27145
NOTICE	01/31/85	50 FR 4513
NOTICE	05/01/85	50 FR 18486
NOTICE New Data	09/09/85	50 FR 36638
Final Action BCT	12/16/86	51 FR 45094
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7182

RIN: 2040–AA13

3034. EFFLUENT GUIDELINES AND STANDARDS FOR PESTICIDES MANUFACTURERS AND FORMULATOR/PACKAGERS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: Final, Statutory, December 31, 1986.
Date contained in Water Quality Act of 1987

Abstract: On October 4, 1985 the EPA promulgated a final regulation establishing BAT effluent limitations, NSPS, PSES, and PSNS for the pesticide industry under the Clean Water Act. On July 25, 1986, the final regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals in response to a joint motion filed by the Agency and other parties to litigation challenging the regulation. EPA removed the BAT effluent limitations, NSPS, PSNS, and PSES from the Code of Federal Regulations at the direction of the Court and informed the public that the regulation is no longer effective (December 15, 1986; 51 FR 44911). The BCT limitations published on April 25, 1978 and September 29, 1978, are still effective. The Agency intends to establish new effluent limitation guidelines and standards for the pesticide manufacturers and formulators/packagers industry in a future rulemaking. The Agency has decided to establish separate rulemaking tracks for the pesticide manufacturers and formulators/packagers because of significant differences between these two industries.

Timetable:

Formulators/Packagers
NPRM 00/00/00

Manufacturers
NPRM 02/00/91
Final Action 04/00/92

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2473.

FTS:8-382-7156

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7156

RIN: 2040–AB32

3035. EFFLUENT GUIDELINES FOR PULP, PAPER AND PAPERBOARD

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None

Abstract: The Agency will review existing BPT and BAT effluent limitations, PSES, PSNS, and NSPS for pulp, paper, and paperboard industry, to ensure adequate control of discharges of toxic, conventional and non-conventional pollutants from existing and new dischargers in that industry.

Timetable:

Action	Date	FR Cite
NPRM (BPT)	04/00/91	
Final Action (BPT)	05/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2712.

FTS:8-382-7184

EPA—CWA

Proposed Rule Stage

Agency Contact: Wendy Smith, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7184

RIN: 2040–AB53

3036. ● ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS EFFLUENT LIMITATIONS, PRETREATMENT STANDARDS AND NEW SOURCE PERFORMANCE STANDARDS

Legal Authority: 33 USC 1251 et seq /CWA 301

CFR Citation: 40 CFR 414

Legal Deadline: None

Abstract: EPA is proposing to amend 40 CFR 414 to allow regulatory authorities to establish cyanide limitations and standards based on best professional judgment for elevated levels of non-amenable cyanide that result from the unavoidable complexing of cyanide at the process source of cyanide- bearing waste streams. Another amendment proposes to allow regulatory authorities to establish metals limitations and standards to accommodate low background levels of metals in non-"metal-bearing waste streams" that result from corrosion of construction materials or from contamination of raw materials. EPA is also proposing to amend Appendices A and B to Part 414 to correct listing errors. The last amendment specifies the method for determining BOD5 and TSS effluent limitations for direct discharge plants with manufacture processes in more than one subcategory.

Timetable:

Action	Date	FR Cite
NPRM	11/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2745.

FTS:8-382-7190

Agency Contact: Eldwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7190

RIN: 2040–AB65

3037. ● COPPER AND BERYLLIUM FORMING POINT SOURCE EFFLUENT GUIDELINES AND STANDARDS

Legal Authority: 33 USC 1251 et seq./CWA 301, 304, 306, 307, 308 and 501

CFR Citation: 40 CFR 468

Legal Deadline: None

Abstract: In accordance with a settlement agreement, the Agency modified the Copper Forming regulation (40 CFR Part 468) to exclude the forming of beryllium copper alloys (copper that is alloyed to contain 0.1 percent or more beryllium) and to create a new subcategory in the regulation reserved for effluent guidelines and standards covering beryllium copper alloys. This rulemaking would establish guidelines and standards in that reserved subcategory.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2746.

FTS:8-382-3151

Agency Contact: George Jett, Environmental Protection Agency, Water, U.S. EPA, Industrial Technology Division (WH-552), 401 M St., S.W., Washington, D.C. 20460, 202 382-3151

RIN: 2040–AB71

3038. ● NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM AND SLUDGE MANAGEMENT STATE PROGRAM REGULATIONS FOR INDIAN TRIBES

Significance: Agency Priority

Legal Authority: 33 USC 1342; 33 USC 1345; 33 USC 1377

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 501

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This rule, pursuant to CWA Section 518, will establish the requirements and procedures by which an Indian tribe may be treated as a State and be approved to administer the NPDES and/or sludge management program for the purpose of CWA Sections 402 and 405.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2749.

FTS:8-475-9539

Agency Contact: Gary Hudiburgh, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9539

RIN: 2040–AB70

3039. REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGE INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125

Legal Deadline: None

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to address more specifically procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only the limited number of municipal treatment plants which met the 1982 statutory deadline for applying for a secondary treatment waiver.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAR No. 2587.

FTS:8-475-7134

Agency Contact: Virginia Fox-Norse, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7129

RIN: 2040–AB29

3040. NPDES REGULATORY REVISIONS

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125; 40 CFR 403; 40 CFR 434; 40 CFR 501

Legal Deadline: None

Abstract: This action will revise the NPDES and other regulations pursuant to requirements contained in the 1987 Water Quality Act. In addition, several other changes will be made to clarify existing requirements and policies. These revisions will not encompass requirements mandated by Section 406 (sewage sludge) of the 1987 Water Quality Act, except for partial sludge management programs.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2493.

FTS:8-475-9539

This action may affect small entities subject to NPDES permits or pretreatment requirements due to statutory or programmatic changes.

Agency Contact: Gary Hudiburgh, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9539

RIN: 2040–AB38

3041. NPDES PERMIT APPLICATION STANDARD FORM A AND SHORT FORM A (REVISION)

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122.21(j)

Legal Deadline: None

Abstract: This action will revise the current NPDES Permit Application Standard Form A (municipal) and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms will replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposed operations.

Timetable:

Action	Date	FR Cite
NPRM Municipal forms	03/00/90	
NPRM	04/00/90	
Final Action	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2501.

FTS:8-245-3716

Agency Contact: Claudia O'Brien, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 245-3716

RIN: 2040–AB39

3042. ● TREATMENT OF INDIAN TRIBES AS STATES UNDER SECTION 404 OF THE CLEAN WATER ACT

Significance: Regulatory Program

Legal Authority: 33 USC 1251 et seq.

CFR Citation: 40 CFR 230; 40 CFR 233

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This proposed rule would a) establish requirements for determining eligibility of Indian Tribes to be treated as States for purposes of Section 404 of the CWA and if found eligible, and b) allow for assumption of the dredge and fill permit program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	09/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2682.

FTS:8-382-5043

Agency Contact: Lori Williams, Environmental Protection Agency, Water, U.S. EPA, Office of Wetlands Protection (A-104F), 401 M St., S.W., Washington, D.C. 20460, 202 382-5043

RIN: 2040–AB69

3043. ● DE-DESIGNATION OF OCEAN DUMPING SITES

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 228.12

Legal Deadline: None

Abstract: The Agency is taking action to de-designate certain ocean dumping sites. This action will take the form of two rulemaking actions: (1) to remove from the list of ocean dumping sites as published in the Code of Federal Regulations sites which are expired or which were terminated by previous rulemaking and (2) to de-designate ocean dumping sites which are no longer needed. None of the sites affected are being used. This action is necessary to assure that the list of ocean dumping sites accurately reflects earlier rulemaking and also to assure that unnecessary sites are removed from the list.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2222.

FTS:8-475-7177

This action was split from RIN 2040-AA78.

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556A), Washington, DC 20460, 202 475-7177

RIN: 2040–AB61

3044. ● REVISIONS TO OCEAN DUMPING REGULATIONS FOR DREDGED MATERIAL

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

EPA—CWA — Proposed Rule Stage

CFR Citation: 40 CFR 225; 40 CFR 227; 40 CFR 228

Legal Deadline: None

Abstract: This rulemaking would revise the regulations applicable to the ocean dumping of dredged material. Issuance of these regulations is necessary to respond to the decision in National Wildlife Federation vs. Costle, 629 F. 2d. 118 (DC Circuit 1980) and to incorporate program experience. The revisions will make necessary technical changes and will improve the clarity of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	08/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2737.

FTS:8-475-7177

This action was split from RIN 2040-AA78

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556A), Washington, DC 20460, 202 475-7177

RIN: 2040–AB62

3045. ● REORGANIZATION AND CORRECTIONS TO LIST OF OCEAN DUMPING SITES

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 228.12

Legal Deadline: None

Abstract: This action is necessary to correct technical errors in the list of ocean dumping sites and to better organize the format in which ocean dumping sites are listed in the Code of Regulations. The revision would correct misprints and other technical errors, and organize the list of sites by EPA region and type of material.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2736.

FTS:8-475-7177

This action was split from RIN 2040-AA78.

Agency Contact: John Lishman, Environmental Protection Agency, Water, (WH-556A), Washington, DC 20460, 202 475-7177

RIN: 2040–AB63

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Final Rule Stage

Clean Water Act (CWA)

3046. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1281/CWA 201

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. The Agency is revising that action as a final rule.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Interim Final Rule Revised	02/17/84	49 FR 6224
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-2287.

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, 202 382-2287

RIN: 2040–AA70

3047. COMPREHENSIVE CONSTRUCTION GRANT REGULATION REVISION

Legal Authority: 33 USC 1281 / CWA 201; CWA 518

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This regulation will amend existing regulations to implement the Water Quality Act of 1987. That Act amended the construction grants program, and authorized EPA to treat qualifying Indian tribes as states for purposes of administering the construction grants program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2585.

FTS:8-382-2287

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, WH-546, Washington, DC 20460, 202 382-2287

RIN: 2040–AB25

3048. EFFLUENT GUIDELINES FOR OFFSHORE SUBCATEGORY OF THE OIL AND GAS EXTRACTION INDUSTRY

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Legal Deadline: Other, Judicial, December 31, 1982.
1980 consent decree contemplated promulgation of NSPS in the offshore subcategory by 1982.

Abstract: The Agency will promulgate BAT and BCT effluent guidelines, and New Source Performance Standards (NSPS) for offshore oil and gas extraction processes in the oil and gas extraction point source category.

EPA—CWA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
NOTICE	11/13/85	50 FR 46784
NOTICE	12/31/85	50 FR 53348
NOTICE	10/21/88	53 FR 41356
NOTICE Extension of Comment Period	12/05/88	53 FR 48947
Final Action	07/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1649.

FTS:8-382-7131

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7131**

RIN: 2040–AA12

3049. NON-FERROUS MANUFACTURING (PHASE II)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None

Abstract: The Agency will promulgate amendments to the regulation previously promulgated on September 20, 1985 (50 FR 38276). These amendments are in response to settlements with six petitioners and will affect six subcategories: primary beryllium subcategory, primary molybdenum and rhenium subcategory, second molybdenum and vanadium subcategory, secondary precious metals subcategory and secondary tungsten and cobalt subcategory. The amendments will revise BPT and BAT effluent limitations, NSPS, and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	54 FR 18412
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2583.

FTS:8-382-7126

Agency Contact: Ernst P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040–AB31

3050. WATER QUALITY STANDARDS -- REVISION FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 518

CFR Citation: 40 CFR 131

Legal Deadline: Final, Statutory, August 14, 1988.

Abstract: These rules establish the procedures by which an Indian tribe can qualify for treatment as a state for the purposes of CWA sections 303, and 401. The revised water quality standards regulation establishes a mechanism to resolve unreasonable consequences arising from tribes and states adopting differing water quality standards for common bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	09/22/89	
Final Action	09/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2475.

FTS:8-475-7315

Agency Contact: David Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, **202 475-7315**

RIN: 2040–AB36

3051. ● STATE REVOLVING FUND PROGRAM IMPLEMENTATION REGULATIONS

Legal Authority: 33 USC 1285(m); 33 USC 1361(a); 33 USC 1381 to 1389

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: This interim rule implements the State water pollution control revolving fund capitalization grant program. The program, under which EPA awards grants to States to capitalize funds that will provide assistance for water pollution control purposes, was established in the Water Quality Act of 1987 as a new title VI to the Clean Water Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2744.

FTS:8-382-2287

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, **202 382-2287**

RIN: 2040–AB64

3052. ● SECTION 303(D) LIST OF STATE WATERS

Legal Authority: 33 USC 1251 et seq /CWA 303(d); 33 USC 1251 et seq /CWA 305(b)

CFR Citation: 40 CFR 130

Legal Deadline: None

Abstract: EPA published a Federal Register notice on July 24, 1989 to re-open and extend the public comment period on a proposal to require a biennial submission of lists under sections 303(d) and 305(b) of the Clean Water Act (CWA). On January 12, 1989, in conjunction with regulations to implement Section 304(l) of the CWA, EPA proposed to require that the States submit as part of 305(b) reports, the lists of waters required by 303(d) of theq CWA. However, after reviewing public comments, EPA decided not to include this particular requirement in the final regulations for 304(l), which was published in the Federal Register on 6/2/89 (54 FR 23868). Instead, EPA decided to solicit additional comments on the proposal and consider promulgating these listing requirements at a later date, if appropriate. The proposed amendments require States to submit to EPA every two years the list of water quality-limited waters required under 303(d) of the CWA. The reporting vehicle for the list would be the States Biennial Water Quality Reports required by CWA 305(b). [SEE ADDITIONAL INFORMATION FOR COMPLETION OF ABSTRACT]

EPA—CWA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1300
NPRM Comment Period End	02/13/89	54 FR 1300
Notice To Reopen Public Comment Period	07/24/89	54 FR 30765
Second NPRM Comment Period End	09/25/89	
Final Action	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2748.

FTS:8-382-7025

EPA is also proposing certain data requirements and review and approval criteria for the States and EPA to use to develop and review the 303(d) lists of waters.

Agency Contact: Judith Lecrone, Environmental Protection Agency, Water, (WH-553), Washington, DC 20460, 202 382-7025

RIN: 2040–AB68

3053. ESTUARY PROGRAM GRANT REGULATION

Legal Authority: 33 USC 1330 /CWA 320(g)

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: This action modifies 40 CFR Part 35 to add specific requirements for grants under the National Estuary Program. These modifications specify the conditions that a grant applicant must meet to receive grant funding under the Program. Current regulations do not include specific restrictions for funds granted under the National Estuary Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2617.

FTS:8-475-7378

Agency Contact: Thomas M. Armitage, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7378

RIN: 2040–AB54

3054. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: Final, Statutory, February 4, 1989.

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges will reflect the 1987 amendments to the Clean Water Act and will address the deadline for application submission as a result of the rescinded September 1984 stormwater regulations.

Timetable:

Action	Date	FR Cite
Final Action - Deadline Extension	02/12/88	53 FR 4157
NPRM	12/07/88	53 FR 49416
Final Action	08/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2200.

FTS: 8-475-9518.

Agency Contact: Tom Seaton, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9518

RIN: 2040–AA79

3055. NOTICE OF FINAL PLAN TO REVIEW AND PROMULGATE NATIONAL EFFLUENT GUIDELINES AND STANDARDS

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 304(m)

CFR Citation: 40 CFR 400

Legal Deadline: Other, Statutory, February 7, 1988.
Statutory deadline for EPA to issue biennial notice. First notice due 02/07/88.

Abstract: In accordance with Section 304(m) of the Clean Water Act, EPA will publish a biennial plan in the Federal Register for the promulgation of new effluent limitations guidelines and standards and the review and revision of existing guidelines and standards for categories of sources discharging toxic and non-conventional pollutants. Section 304(m) establishes a planning process that sets the Agency's agenda for future effluent guidelines and standards rulemaking. The first notice and subsequent 304(m) notices will identify selected categories for promulgation of new guidelines and revision of existing guidelines.

Timetable:

Action	Date	FR Cite
NOTICE	08/25/88	53 FR 32584
NOTICE	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2304.

FTS: 8-382-7120.

Agency Contact: Eric Strassler, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7150

RIN: 2040–AA90

3056. SEWAGE SLUDGE USE AND DISPOSAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: NPRM, Statutory, November 30, 1986. Final, Statutory, August 31, 1987.

Abstract: The Agency will promulgate standards and management practices for the use and disposal of sewage sludge as required by Section 405 of the Clean Water Act, as amended. The use and disposal practices addressed in the sewage sludge technical regulation are: land application, distribution and marketing, incineration, landfilling and surface disposal. Inorganic and organic pollutants are being regulated for the various use and disposal practices.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5646
Final Action	10/00/91	

Small Entities Affected: None

EPA—CWA

Final Rule Stage

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2162.

FTS: 8-382-7301

Agency Contact: William Diamond, Environmental Protection Agency, Water, (WH-551), Washington, DC 20460, 202 475-7301

RIN: 2040–AA74

3057. CITIZEN SUIT NOTICE REGULATION UNDER THE CWA

Legal Authority: 33 USC 1365 /CWA 505

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: This regulation will specify on whom the copies of CWA citizen suit complaints and consent decrees should be served, the manner of service, and the addresses of such persons. This rule will amend existing 40 CFR 135.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 36020
Final Action	12/00/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAR No. 2515.

FTS:8-382-2949

Agency Contact: David Drelich, Environmental Protection Agency, Water, LE-134W, Washington, DC 20460, 202 382-2949

RIN: 2040–AB50

3058. GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT

Legal Authority: 33 USC 1251 /CWA 301, 302, 304(h), 307, 501(a), and 502

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This rule will amend 40 CFR 136 by adding new measurements and new test procedures for the analysis of pollutants under section 304(h) of the Clean Water Act. This rule: adds Direct Current Plasma (DCP) atomic emission spectrometric method to the list of approved methods for certain metals; adds multi-laboratory validation data to three previously approved methods for metals; clarifies the interpretation of equivalency of methods approved under Part 136; and allows the option to use hydrochloric acid as a preservative for samples to be analyzed for oil and grease.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33543
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2462.

FTS:8-684-7306

Agency Contact: James J. Lichtenberg, Office of Research and Development, Environmental Monitoring Systems Laboratory, Environmental Protection Agency, Water, Cincinnati, Ohio 45268, 513 569-7891

RIN: 2040–AB58

3059. EPA ADMINISTERED PROGRAMS: NPDES; GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES: PROPOSALS TO IMPLEMENT THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / RCRA 3018; 33 USC 1317 /CWA 307; 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 403

Legal Deadline: Final, Statutory, August 1987.

Abstract: The Agency will prepare final changes to the NPDES and General Pretreatment Regulations that address: toxicity testing by POTWs, specific discharge prohibitions; controls on spills and batch discharges; discharges by liquid waste haulers; industrial user notification requirements; control mechanisms for significant industrial users and local limits. These changes will be responsive to the recommendations of the Domestic Sewage Study submitted to Congress February 7, 1986 and are to improve the control of hazardous wastes and other toxic materials discharged through sewers to publicly-owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	11/23/88	53 FR 47632
Final Action	01/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2342.

FTS 8-475-9526.

Agency Contact: Marilyn Goode, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9526

RIN: 2040–AA09

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Clean Water Act (CWA)

3060. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM SEWAGE SLUDGE PERMIT REGULATIONS; STATE SLUDGE MANAGEMENT PROGRAM REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 501

Completed:

Reason	Date	FR Cite
Final Action	05/02/89	54 FR 18716

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Martha Kirkpatrick 202 475-9529

RIN: 2040–AA73

3061. WATER QUALITY PLANNING AND MANAGEMENT GRANTS FOR INDIAN TRIBES

Significance: Regulatory Program

CFR Citation: 40 CFR 35; 40 CFR 130

Completed:

Reason	Date	FR Cite
Interim Final Rule	04/11/89	54 FR 14354

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tim Icke 202 475-8640

RIN: 2040–AB35

3062. INTERPRETATION OF PROVISIONS OF SECTION 304(1) OF THE CWA

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 130

Completed:

Reason	Date	FR Cite
Final Action	05/26/89	54 FR 23868

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul Connor 202 475-7718

RIN: 2040–AB46

3063. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 220 to 229

Completed:

Reason	Date	FR Cite
Separated into three separate RINS: 2040-AB61, 2040-AB62, 2040-AB63	09/15/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Darrell Brown 202 475-7180

RIN: 2040–AA78

3064. UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; EFFECTIVE DATES; AND CAPACITY VARIANCES FOR ADDITIONAL FIRST THIRD WASTES (SECOND SIXTH)

Significance: Regulatory Program

CFR Citation: 40 CFR 148

Completed:

Reason	Date	FR Cite
Final Action	06/14/89	54 FR 25416

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Bruce Kobelski 202 382-5508

RIN: 2040–AB55

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Atomic Energy Act (AEA)

3065. ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Legal Authority: 42 USC 2201/AEA 161

CFR Citation: 40 CFR 191

Legal Deadline: None

Abstract: On August 15, 1985, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These Standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environment. Subsequent to promulgation of this rule, several petitions for review were filed and consolidated in the U.S. Court of Appeals for the First Circuit. As of September 23, 1987 the Court vacated and remanded Subpart B of the Standards to the Agency for revision consistent with its ruling.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2590. FTS:8-475-9633

Agency Contact: Daniel Egan, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9633

RIN: 2060–AC30

3066. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2201 /AEA 274; 15 USC 2625 /TSCA 6(a)(6)

CFR Citation: 40 CFR 193; 40 CFR 764

Legal Deadline: None

Abstract: Under 40 CFR 193, the Agency intends to set generally applicable standards for the management and disposal of low-level radioactive wastes under the purview

of the Atomic Energy Act, as amended. The Agency is considering criteria for declaring certain wastes as below regulatory concern as part of this activity. Under 40 CFR 764, the Agency is proposing to regulate the disposal of certain naturally occuring and accelerator-produced radioactive wastes.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 1727.

FTS:8-475-9633.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9633

RIN: 2060–AA04

3067. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161; 42 USC 2021/AEA 272

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2073.

FTS: 8-475-9620.

Agency Contact: John L. Russell, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9620

RIN: 2060–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Atomic Energy Act (AEA)

Final Rule Stage

3068. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action provides Interim recommendations to Federal Agencies to establish dose rate limits for people exposed to transuranium elements in the general environment.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1162.

FTS:8-475-9620.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9620

RIN: 2060–AA01

3069. GROUNDWATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Significance: Regulatory Program

Legal Authority: 42 USC 2022(a) /AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards at 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 36000
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1166.

FTS:8-475-9620

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9620

RIN: 2060–AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Atomic Energy Act (AEA)

Completed Actions

3070. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn due to changes in program's priorities.	07/28/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: David E. Janes 202 475-9626

RIN: 2060–AA02

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3071. REVISIONS TO THE SAFE DRINKING WATER ACT'S UNDERGROUND INJECTION CONTROL REGULATIONS

Legal Authority: 42 USC 300j-4 /SDWA 1445; 42 USC 300h-1 /SDWA 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: These amendments to the UIC Program clarify the intent of the regulations covering authorization-by-rule requirements at 40 CFR Part 144, Subpart C. These new provisions will clarify how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization- by-rule requirements. EPA will also propose amendments to the noncompliance and program reporting requirements at 40 CFR 144.8; to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p). Finally, a new regulation will codify SDWA 1445(a)(1) as it applies to the UIC program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2426.

FTS:8-382-5530

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, **202 382-5530**

RIN: 2040–AB27

3072. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: EPA will propose Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclides in drinking water. These radionuclides include radium, uranium, radon, total alpha, and beta particle and photon emitters.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	09/00/90	
Final Action	06/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2281.

FTS: 8-382-8049.

Agency Contact: Greg Helms, Environmental Protection Agency, Water, (WH-550-D), Washington, DC 20460, **202 382-8049**

RIN: 2040–AA94

3073. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, June 19, 1989.
This deadline applies only to the disinfection requirements.

Abstract: EPA will propose that all public water systems use disinfection treatment processes; variance criteria will be developed. The Agency will propose MCLGs and MCLs or treatment technique requirements for disinfectants and disinfection by-products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	
Final Action	09/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2340.

FTS: 8-382-3028.

Agency Contact: Stephen W. Clark, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, **202 382-3028**

RIN: 2040–AA97

3074. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS (PHASE V/25 CONTAMINANTS)

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and NPDWRs for about 25 inorganic and organic chemicals specified in the SDWA.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM Comment Period End	11/13/85	50 FR 16936
NPRM	03/00/90	
Final Action	09/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2630.

FTS:8-382-7575

Agency Contact: Maria Gomez-Taylor, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, **202 475-7274**

RIN: 2040–AB11

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Safe Drinking Water Act (SDWA)

3075. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 300j-11/SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorize the EPA Administrator to treat Indian tribes as States, where appropriate. EPA is to issue associated regulations by eighteen months after the date of enactment (signed June 19, 1986). The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow eligible Indian tribes to apply for and receive grants under these two programs, in the same manner as States.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46712
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Additional Information: SAR No. 2440.

FTS:8-382-7077

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, Office of Ground Water Protection, (WH-550G), Washington, DC 20460, **202 382-7077**

RIN: 2040–AB18

3076. REVISION TO PUBLIC WATER SYSTEM SUPERVISION (PWSS) STATE PRIMACY REQUIREMENTS

Legal Authority: 42 USC 300 /SDWA 1413

CFR Citation: 40 CFR 142

Legal Deadline: None

Abstract: These revisions primarily will set requirements for state amendments to their PWSS primary programs to incorporate new EPA national primary drinking water regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/02/88	53 FR 29194
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2489.

FTS:8-382-5522.

Agency Contact: Carl Reeverts, Environmental Protection Agency, Water, WH-550-E, Washington, DC 20460, **202 382-5522**

RIN: 2040–AB26

3077. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SYNTHETIC ORGANIC CHEMICALS AND INORGANIC CHEMICALS, MONITORING FOR UNREGULATED CONTAMINANTS (PHASE II, 38 CONTAMINANTS)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Legal Deadline: NPRM, Judicial, April 30, 1989. Final, Judicial, December 31, 1990.

Abstract: EPA is reproposing maximum contaminant level goals (MCLGs) and proposing National Primary Drinking Water Regulations (NPDWRs) for about 38 synthetic organic chemicals and inorganic chemicals. The NPDWRs consist of proposed maximum contaminants level (MCLs), as well as proposed monitoring, reporting, and public notification requirements for these contaminants. This action proposes the best available technology (BAT) upon which the MCLs are based and BAT for the purposes of issuing variances and exemptions to public water systems. In addition to the NPDWRs for the synthetic organic chemicals and inorganic chemicals, the notice proposes monitoring requirements for other synthetic organic chemicals which are not regulated by NPDWRs or proposed for regulation in this notice.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	11/13/85	50 FR 46936
NPRM	05/22/89	54 FR 22062
Final Action	01/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Al Havinga, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5555**

RIN: 2040–AA55

3078. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LEAD AND COPPER

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and national primary drinking water regulations for lead and copper.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM MCLG	11/13/85	50 FR 46936
NPRM MCLGs/MCLs & Treatment Technique	08/18/88	53 FR 31516
Final Action	11/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2610.

FTS:8-382-5508

Agency Contact: Jeff Cohen, Lead Task Force, Environmental Protection Agency, Water, (WH-550A), Washington, DC 20460, **202 382-5508**

RIN: 2040–AB51

3079. PUBLIC WATER SUPPLY SUPERVISION PROGRAM, ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 / SDWA 1414

CFR Citation: 40 CFR 22; 40 CFR 142

EPA—SDWA

Final Rule Stage

Legal Deadline: None

Abstract: EPA plans to promulgate regulations establishing procedures for administrative compliance orders under Section 1414(g) of the Safe Drinking Water Act. Section 1414(g) orders may not take effect without notice and opportunity for public hearing and opportunity for primary states to confer with EPA. The Agency will also amend 40 CFR Part 22 to include PWS penalty assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/12/89	54 FR 29515
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2381.

FTS:8-382-5558

Agency Contact: Don Olson, Environmental Protection Agency, Water, WH-550, Washington, DC 20460, 202 382-5558

RIN: 2040–AB07

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Safe Drinking Water Act (SDWA)

3080. CRITERIA FOR FILTRATION AND DISINFECTION OF SURFACE WATER AND NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR MICROBIOLOGICAL CONTAMINANTS

Significance: Regulatory Program

CFR Citation: 40 CFR 141; 40 CFR 142

Completed:

Reason	Date	FR Cite
Final Action	06/29/89	54 FR 27486

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Joseph Cotruvo 202 382-7575

RIN: 2040–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Safe Drinking Water Act (SDWA)

3081. ● STATE-ADMINISTERED UIC PROGRAMS; INCORPORATION BY REFERENCE UPDATE

Legal Authority: 42 USC 300 /SDWA 1451

CFR Citation: 40 CFR 147

Legal Deadline: None

Abstract: The Safe Drinking Water Act requires EPA to promulgate regulations specifying minimum requirements for State Underground Injection control programs to prevent injections through wells which may endanger drinking water sources. The individual State-administered programs (primacy) are codified in 40 CFR 147 and that Part incorporates by reference and makes applicable requirements from the appropriate State regulations. The incorporation by reference material has not been updated since 1984. Any Federal enforcement action in a primacy State will be based on the codified Part 147 material no matter what is actually in place at the time. Thus, for any enforcement action to be effective, the State statutes which are incorporated by reference must be up-to-date. Without this action, any Federal enforcement action could be ineffective. There is no impact on the economy, costs, or prices, and no public health or intermedia issues, or adverse consequences on the public. The only alternative given the present codification (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: ABSTRACT CONT: scheme is to amend the Part 147 incorporation by reference material to incorporate the most recent State statutes and regulations.

SAR No. 2717

FTS:8-382-5561

Agency Contact: Andrew B. Cherry, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, 202 382-5561

RIN: 2040–AB60

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Noise Control Act (NCA)

Final Rule Stage

3082. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905(a)(1)/ NCA 6(a)(1)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2046.

FTS:8-382-4996

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: K.E. Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), 202 382-4996

RIN: 2060–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Resource Conservation and Recovery Act (RCRA)

Prerule Stage

3083. MANAGEMENT OF USED OIL

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6925 /RCRA 3005; 42 USC 6930 /RCRA 3010; 42 USC 6935 /RCRA 3014

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, November 8, 1985. Final, Statutory, November 8, 1986.

Abstract: EPA's decision not to list recycled oil as hazardous waste (51 FR 41900 11/19/86) was remanded by the U.S. Court of Appeals (D.C. Circuit) on 10/7/88. Therefore, EPA is considering approaches for management of used oil that is consistent with the court's decision. EPA is reexamining its options for listing and management of used oil. If EPA determines that elements of the 1985 proposal should be finalized without reproposal, EPA expects to promulgate those in July 1990.

Timetable:

Action	Date	FR Cite
NPRM	11/29/85	50 FR 49212
FINAL (Listing Decision for Recycled Used Oil)	11/19/86	51 FR 41900
Decision on How Best to Regulate Disposed Used Oil and on Development of Mgt. Stds.	07/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2434.

FTS:8-382-7934

Docket No. 3014

Contact Angela Wilkes for management standards(OS-322)

Contact Robert Scarberry for listing decision (OS-332)

Agency Contact: Angela Wilkes, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 202 382-7934

RIN: 2050–AC17

3084. DETERMINATION ON WASTES FROM COMBUSTION OF COAL BY ELECTRIC UTILITY POWER PLANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: NPRM, Statutory, September 1988.

Abstract: EPA conducted a study of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste and other wastes generated by the combustion of coal by electric utility power plants. The study was in response to Section 8002(n) of RCRA and culminated in a Report to Congress on March 8, 1988. EPA must determine within six months after submitting the report, holding public hearings, and allowing for public comment whether to regulate any of these wastes under Subtitle C of RCRA.

Timetable:

Action	Date	FR Cite
Notice Regulatory Determination	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2572.

FTS:8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), 202 382-3608

RIN: 2050–AC40

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Resource Conservation and Recovery Act (RCRA)

3085. OIL POLLUTION PREVENTION REGULATION

Significance: Agency Priority

Legal Authority: 33 USC 1321 /CWA 311(j)(1)(c)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major oil spill with substantial environmental impacts, an interagency task force reviewed the adequacy of regulations concerning the prevention and control of oil spills. The task force recommended a significant upgrade to the Oil Pollution Prevention Regulation and an inventory of the regulated community. A two-phased regulatory approach is being pursued. In Phase I, the regulation will be clarified to indicate that widely accepted industry practices that are currently treated as recommended practices henceforth will be considered as required practices. The Phase II regulatory effort will address other recommended modifications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	01/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2634.

FTS:8:382-4130

Agency Contact: John M. Cunningham, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 382-4130

RIN: 2050–AC62

3086. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6927(e) /RCRA 3007(e)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action establishes requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation establishes the manner, frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2332.

FTS: 8-475-9849

Agency Contact: Peter Sieback, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, D.C. 20460, 202 475-9849

RIN: 2050–AB59

3087. NO-MIGRATION VARIANCE FOR RESTRICTED HAZARDOUS WASTE LAND DISPOSAL

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency will propose a regulation that interprets the statutory requirements for making a "no-migration" demonstration that would allow the land disposal of untreated hazardous waste that has been restricted from land disposal under 40 CFR 268. The regulation will define such terms as "no-migration," "reasonable degree of certainty," "hazardous constituent," and various pathways by which waste can migrate and the environmental media of concern.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2524.

FTS:8-382-4685

Accompanying guidance manual to be published while rule proposal is under development. Guidance will assist facility owners and operators in characterizing environmental media of concern and environmental pathways along which constituent migration may occur.

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4685

RIN: 2050–AC44

3088. MUNICIPAL WASTE COMBUSTOR ASH MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 6907 /RCRA 1008; 42 USC 6944 /RCRA 4004; 42 USC 6949 /RCRA 4010

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on preliminary data, EPA has determined a need to develop a management scheme for handling and disposing of municipal waste combustor ash. The Agency is considering various options for addressing concerns over fugitive dust emissions and groundwater contamination.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2494.

FTS:8-382-4489

Agency Contact: Susan O'Keefe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), 202 382-4489

RIN: 2050–AC24

3089. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - DE MINIMIS EXEMPTION LEVELS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: This action exempts from RCRA Subtitle C regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2482.

FTS:8-475-9715

Entries combined, formerly titled "Concentration-Based Relisting of Wastes From Chlorinated Aliphatics" and "Concentration-Based Relisting of Wastes From Explosives, Inorganic Chemicals, and Iron and Steel Industries."

Agency Contact: Steve Cochran, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-9715

RIN: 2050–AC30

3090. EXCLUSIONS FOR WASTE GENERATED ON-BOARD SHIPS (REVISION)

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.4(c)

Legal Deadline: None

Abstract: This proposed rule would amend an exemption in 40 CFR 261.4(c) which is currently limited to product or raw material vessels, so that it will apply to all vessels. The result of this change would be that all vessel operators, both product and non-product, would be regulated the same. In both cases, hazardous wastes generated on-board ships would not be subject to the RCRA regulations for storage, manifesting, etc., until the waste is removed from the ship. The discharge of any wastes while underway is governed by regulations issued under the provision of the Clean Water Act, Rivers and Harbors Act, Refuse Act, CERCLA/SARA, and others.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2635.

FTS8:475-8551

Agency Contact: Ed Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC61

3091. HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS: USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903 /RCRA 1004; 42 USC 6921 /RCRA 3001

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment will require those who submit delisting petitions for hazardous wastes to provide ground water monitoring data as part of their petition. The amended regulations will clarify the Agency's existing authority to consider the impact of a petitioned waste on groundwater and deny a petition based on groundwater contamination. EPA is seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2622.

FTS:8-382-2224

Agency Contact: Robert Kayser, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-343), Washington, DC 20460, 202 382-2224

RIN: 2050–AC65

3092. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES FROM CHLOROTOLUENE PRODUCTION

Legal Authority: 40 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA Section 3001(e) requires EPA to make a determination whether or not to list chlorotoluene wastes as hazardous within 15 months of the passage of HSWA.

Abstract: The hazardous waste listing regulations will be amended to add new waste codes from the production of chlorotoluenes and to designate these wastes hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2716.

FTS:8-382-7438

Agency Contact: Dr. Ambika Bathija, Environmental Protection Agency, Solid Waste and Emergency Response, 401 M St., S.W. (OS-333), Washington, D.C. 20460, 202 382-7438

RIN: 2050–AC84

3093. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES FROM COKE BY-PRODUCT INDUSTRIES

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA Section 3001(e) requires EPA to make a determination whether or not to list coke by-product wastes within 15 months of the passage of HSWA.

Abstract: The hazardous waste listing regulations will be amended by adding nine new waste codes from the coke

by-products industry. These wastes will be designated hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2227.

FTS:8-382-6715

Agency Contact: Ron Josephson, Environmental Protection Agency, Solid Waste and Emergency Response, Office of Solid Waste (OS-333), 401 M St., S.W., Washington, D.C. 20460, **202 475-6715**

RIN: 2050–AC85

3094. BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 266

Legal Deadline: None

Abstract: Burning of hazardous waste in boilers and industrial furnaces for the purpose of heat recovery or material recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish standards for controlling emissions of organic compounds, metals, and hydrogen chloride from boilers and industrial furnaces that burn hazardous waste for any purpose, including energy recovery, material recovery, or destruction.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16982
NPRM (Supplement)	10/00/89	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2078.

FTS-8-382-7921.

Agency Contact: Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7921**

RIN: 2050–AA72

3095. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(o); 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, May 8, 1987.

Abstract: EPA has proposed these regulations under the authority of section 3004(a) and 3004(o)(4) of the Resource Conservation and Recovery Act. The regulations would require: 1) new landfills, surface impoundments, waste piles, and land treatment units for the treatment, storage, or disposal of hazardous wastes to utilize an approved leak detection system; 2) double liners and leachate collection systems for waste piles, and certain landfills and surface impoundments; and 3) development of a construction quality assurance program for certain landfills and surface impoundments, as well as final covers at land treatment units. EPA originally proposed this rule on May 29, 1987 (52 FR 20218); the Agency may repropose the double liner sections of the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20218
NPRM (Reproposal)	10/00/89	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2080.

FTS-8-382-4684.

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4684**

RIN: 2050–AA76

3096. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6912 /RCRA 2002; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to promulgate standards for the location of hazardous waste treatment, storage, and disposal facilities. Two existing location standards (floodplain and seismic restrictions) at 40 CFR Part 264.18 will be amended based on new data and information. Additional standards will specify other criteria for the acceptable location of new, expanding, and existing treatment, storage and disposal facilities in a variety of sensitive environments (e.g., unstable terrains, wetlands). The Agency's goals are to enhance the effectiveness of a unit's design and operating controls by avoiding the most sensitive locations, to decrease cleanup and prospective future RCRA Corrective Action and superfund sites, and to more effectively ensure long-term protection of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	07/00/92	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2303.

FTS:8-382-4678.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4678**

RIN: 2050–AB42

3097. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on action.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2390.

FTS:8-382-4497

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, OS-341, 202 382-4497

RIN: 2050–AB80

3098. LANDFILL, SURFACE IMPOUNDMENT, AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will provide alternate closure options for EPA and authorized states to establish closure and post-closure requirements on a site-specific basis. The regulations address waste and site characteristics, potential pathways of hazardous constituent migration, and health effects. These rules allow for cover systems to be designed base on unique site and waste characteristics. EPA originally proposed this rule on March 19, 1987 (52 FR 8712); the Agency will repropose the rule.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8712
NPRM (Reproposal)	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2391.

FTS:8-475-8860

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AB81

3099. EMISSION CONTROLS FOR HAZARDOUS WASTE INCINERATORS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 9005

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: EPA intends to amend the incinerator standards of Subpart O of Part 264 by proposing additional controls on emissions of metals and residual organic compounds.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	02/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2453.

FTS:8-382-7924

Agency Contact: Shiva Garg, Environmental Protection Agency, Solid Waste and Emergency Response, OS-322, Washington DC 20460, 202 382-7924

RIN: 2050–AB90

3100. LAND DISPOSAL RESTRICTIONS FOR SOIL AND DEBRIS CONTAINING HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency is investigating the need to set separate treatment standards for soil and debris containing hazardous wastes. By statute, these wastes do not become subject to the Land Disposal Restrictions Rule (51 FR 40572 and 52 FR 25760) for Solvents and Dioxins (RCRA 3004(e)) and the California List (RCRA 3004(d)) until 11/8/88. If necessary, the Agency will further subcategorize the waste streams to provide separate treatment standards applicable to such wastes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2461.

FTS:8-382-4669

Agency Contact: Michaelle Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, OS-333, Washington, DC 20460, 202 382-4669

RIN: 2050–AC03

3101. PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This proposal will establish special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations would allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	09/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2439.

FTS:8-382-4751

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, OS-341, **202 382-4751**

RIN: 2050–AC04

3102. CORRECTIVE ACTION FOR RELEASES TO GROUND WATER FROM REGULATED HAZARDOUS WASTE UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to ground water from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations will be used to amend the structure of the program and the requirements for implementing remedial action, remedy selection and corrective measures. The requirements for regulated units will be amended to conform to the corrective action requirements for solid waste management units.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2503.

FT:8-382-4685

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4685**

RIN: 2050–AC28

3103. MODIFICATION OF THE DEFINITION OF WASTEWATER TREATMENT UNIT

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 270

Legal Deadline: None

Abstract: Currently, wastewater treatment units and elementary neutralization units are exempt from the requirements in 40 CFR Parts 264, and 265 (see 45 FR 76074, November 17, 1980). This action will amend the regulations to explain more clearly that thermal treatment units, except sludge dryers, are not exempt from regulation under the "wastewater treatment unit exclusion." It was never EPA's intention that thermal treatment units be exempt from regulation. Rather, specific regulations have been developed for these devices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2570.

FTS:8-475-9614

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 475-9614**

RIN: 2050–AC66

3104. RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6924/RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: This amendment will revise financial test criteria that must be satisfied by owners and operators employing the test to demonstrate RCRA financial responsibility requirements. The anticipated revisions will adjust test criteria so as to increase availability of this assurance mechanism to financially viable and stable firms and increase sensitivity to bankruptcy prediction.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2647.

FTS:8-382-6259

Agency Contact: Mark Pollins, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-6259**

RIN: 2050–AC71

3105. DEFINITION OF HAZARDOUS WASTE TANK, SURFACE IMPOUNDMENT AND WASTE PILE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA3004

CFR Citation: 40 CFR 260

Legal Deadline: None

Abstract: The Agency is receiving information on an increasing number of situations where it is difficult to determine whether specific types of hazardous waste management units meet the definition of a tan, pile or surface impoundment. EPA intends to clarify the difference between these units by revising the definitions for these units in 40 CFR 260.1. In particular EPA expects to address the use of liners for primary containment as well as other issues relating to the use of "earthen" and "nonearthen" materials.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	06/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2664.

FTS:8-475-9614

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 475-9614**

RIN: 2050–AC72

3106. LAND DISPOSAL RESTRICTIONS FOR THE THIRD THIRD OF SCHEDULED WASTES

Legal Authority: 42 USC 6924(g); 42 USC 6924(h); 42 USC 6924(j); 42 USC 6924(h); 42 USC 6924(k); 42 USC 6924(m)

CFR Citation: 40 CFR 268

Legal Deadline: Final, Statutory, May 8, 1990.
Absolute prohibition on land disposal waste of any kind for which EPA has not established a treatment standard takes effect on 5/8/90.

Abstract: This rule will establish land disposal restrictions for the Third Third of scheduled hazardous waste and promulgate treatment standards for these waste streams as required by sections 3004(g) and 3004(m) of RCRA. The schedule was published on May 6, 1986 (51FR19300).

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2523.

FTS:8-382-4669

Agency Contact: Michaelle Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, OS-3330), Washington, DC 20460, **202 382-4669**

RIN: 2050–AC73

3107. HAZARDOUS WASTE SUMP REQUIREMENTS IN RESPONSE TO RULEMAKING PETITION (REVISION)

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921; 42 USC 6974; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: This regulation will address a petition for rulemaking submitted by the Boeing Company, requesting that EPA amend several hazardous waste tank system requirements as applied to certain existing sumps. A sump, being a type of tank, if used to manage a hazardous waste storage/treatment tank system. The petition focuses on those existing sumps that are situated inside of buildings and constructed as an integral part of the building's floor or foundation. The petitioner argues that because of differences in design, construction, and use, these sumps should be regulated independently of other hazardous waste storage/treatment tank systems. Companies are requesting additional time to bring these sumps into compliance with the hazardous waste tank system standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2675.

FTS:8-475-9614

Agency Contact: William J. Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 475-9614**

RIN: 2050–AC79

3108. LIST (PHASE 2) OF HAZARDOUS CONSTITUENTS FOR GROUND WATER MONITORING

Significance: Regulatory Program

Legal Authority: 42 USC 3251 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: The Appendix IX of 40 CFR Part 264 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in ground water monitoring. This proposed amendment would make minor revisions to Appendix IX and create a new list for the first part (Detection Monitoring) of the ground water monitoring program. This proposal would also include a more detailed discussion of the appropriate monitoring techniques than currently exists in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2435.

FTS: 382-4685

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington DC 20460, **202 382-4685**

RIN: 2050–AC05

3109. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions will be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	01/00/91	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2158.

FTS: 8-475-9325.

Agency Contact: Nancy Parkinson, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, **202 475-9325**

RIN: 2050–AB01

3110. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Significance: Regulatory Program

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on the first mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of wastes from the extraction and beneficiation of ores and minerals under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA

plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will propose a set of criteria for the proper disposal of mining wastes under RCRA Subtitle D authority. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication in regulatory efforts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/91	
Final Action	08/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2389.

FTS: 8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, OS-323, Washington, DC 20460, **202 382-3608**

RIN: 2050–AB77

3111. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES - FINANCIAL RESPONSIBILITY REQUIREMENTS

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Final, Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/88	53 FR 3818
NPRM	09/00/91	
Final Action	09/00/92	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2465.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, **202 382-7903**

RIN: 2050–AC15

3112. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS: FINANCIAL TEST FOR SELF INSURANCE FOR LOCAL GOVERNMENT ENTITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 20 CFR 280

Legal Deadline: None

Abstract: These regulations will establish a simple financial test that local governments can use for the purpose of self insuring for taking corrective action and compensating third parties for bodily injury and property damage as required by the Financial Responsibility Requirements promulgated in September 1988.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: SAR No. 2642.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, **202 382-7903**

RIN: 2050–AC67

3113. ● TECHNICAL AMENDMENT TO FINAL UNDERGROUND STORAGE TANK RULES FOR OVERFILL PREVENTION

Legal Authority: 42 USC 6991(b)/RCRA 9003(b)

CFR Citation: 40 CFR 280.20(c)

Legal Deadline: None

Abstract: This action adds a provision to the overfill prevention equipment requirements that provides a performance standard alternative to the two design choices already in the final Underground Storage Tanks (UST) regulations. This clarifies EPA's interpretation of the "other alternatives allowed" provision in the final UST regulations. The added flexibility of meeting a performance standard will more clearly enable UST system owners and operators to use overfill prevention equipment in a manner that is more flexible as long as it is protective of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2741.

FTS:8-382-7815

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, D.C. 20460, **202 382-7815**

RIN: 2050–AC97

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Resource Conservation and Recovery Act (RCRA)

3114. MEDICAL WASTE DEMONSTRATION TRACKING PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 6992/Medical Waste Tracking Act

CFR Citation: 40 CFR 259

Legal Deadline: Other, Statutory, May 30, 1989.
The legal deadline prescribed is for an interim final by May 1989.

Abstract: Because of the numerous incidents of public exposure to improperly disposed medical waste Congress passed the Medical Waste Tracking Act of 1988. The Act requires EPA to develop a demonstration tracking program for medical waste in 10 States. The demonstration program sets forth segregation, packaging, labeling, tracking, transportation, and recordkeeping requirements of medical waste generated in the covered States, and lists the wastes to be covered by the program. The emphasis of the tracking program is to assure the generator that the waste is delivered to a proper disposal facility. States participating in the program include New York, New Jersey, Connecticut (effective 6/22/89), Rhode Island, and Puerto Rico (effective 7/24/89).

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/24/89	54 FR 12326
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2653.

Agency Contact: Paul S. Mushovic, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC74

3115. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PETROLEUM REFINERY PRIMARY TREATMENT SLUDGE

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 9602

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Other, Statutory, February 8, 1986.
Statutory deadline to determine whether to list "refining wastes" no later than February 8, 1986.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 268, 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	11/20/80	45 FR 74893
Notice	02/11/85	50 FR 5637
Notice	04/13/88	53 FR 12162
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2226.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (382-3000)

Agency Contact: Ben Smith, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 382-4791

RIN: 2050–AB70

3116. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - WOOD PRESERVING AND SURFACE PROTECTION WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 9602

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Statutory, May 8, 1985. Final, Judicial, June 30, 1990.
Best efforts to promulgate by 06/30/90.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 268, 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53282
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2174.

FTS:8-475-8551

Agency Contact: Ed Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC43

3117. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE - METHYL BROMIDE

Significance: Agency Priority

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: Final, Statutory, February 1986.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16432
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2157.

FTS-382-4786

Agency Contact: Cate Jenkins, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, 202 382-4786

RIN: 2050–AC60

3118. RCRA DEFINITION OF SOLID WASTE (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002; 42 USC

EPA—RCRA

Final Rule Stage

6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This regulation will provide: (1) the Agency's interpretation of a court opinion, concerning the Agency's authority in regulating certain recycled hazardous secondary materials and (2) amendments to the rules required by the court's opinion.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 519
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAR No. 2575.

FTS:8-475-8551

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC68

3119. SOLID WASTE DISPOSAL FACILITY CRITERIA

Significance: Regulatory Program

Legal Authority: 42 USC 6907(a)(3)/RCRA 1008(a)(3); 42 USC 6944(a)/RCRA 4004(a); 42 USC 6949(c)/RCRA 4001(c); 33 USC 1345(d)/CWA 405(d); 33 USC 1345(e)/CWA 405(e)

CFR Citation: 40 CFR 257; 40 CFR 258

Legal Deadline: Final, Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of l984 (HSWA) require EPA, by March 31, 1988, to revise the subtitle D criteria for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators. In response to this statutory mandate, EPA is revising the subtitle D criteria for municipal landfills. At a minimum these criteria should include ground-water monitoring requirements, location standards, and corrective action requirements as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33314
NPRM Comment Period End	11/30/88	53 FR 41210
Final Action	02/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2224.

FTS-382-4687

Agency Contact: Allen Geswein, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC, **202 382-4687**

RIN: 2050–AB21

3120. TEST METHODS FOR EVALUATING SOLID WASTE (MANUAL SW846) INCORPORATION BY REFERENCE AND MANDATORY GOOD LABORATORY PRACTICES

Legal Authority: 42 USC 6912 /RCRA 2002

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270

Legal Deadline: None

Abstract: This action proposes to update testing methods in the RCRA testing regulations to: a) permit persons to use the latest (3rd) edition of Test Methods for Evaluating Solid Waste (SW-846); and b) require that all testing conducted in support of the RCRA regulatory program follow minimum good laboratory practices and quality control/quality assurance procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3212
Final Action	05/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2507.

FTS:8-382-4761

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, **202 382-3282**

RIN: 2050–AC32

3121. IDENTIFICATION OF HAZARDOUS WASTES BY TOXICITY CHARACTERISTIC AND LISTING OF ADDITIONAL ORGANIC TOXICANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: Final, Statutory, March 8, 1987.
November 8, 1986 for adding additional characteristics; March 8, 1987 for revising the extraction procedure.

Abstract: The EPA is amending its hazardous waste identification regulations by introducing a new extraction procedure to be used in the Toxicity Characteristic and by expanding the Toxicity Characteristic to include approximately 38 additional organic toxicants. EPA originally proposed this rule on June 13, 1986 (51 FR 21648).

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21648
Final Action (use of TCLP for Land Disposal Restriction program testing)	11/07/86	51 FR 40572
NPRM (Supplemental)	05/18/87	52 FR 18583
NPRM (Supplemental)	05/19/88	53 FR 18024
NPRM (Supplemental)	05/24/88	53 FR 18792
NPRM (Supplemental)	08/01/88	53 FR 28892
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2062.

FTS-8-382-7737.

Agency Contact: David Topping, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 382-7737**

RIN: 2050–AA78

3122. DETERMINATION ON SOLID WASTE FROM SELECTED METALLIC ORE PROCESSING OPERATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR 261

Legal Deadline: NPRM, Judicial, April 7, 1989. Final, Judicial, August 18, 1989. Other, Judicial, January 31, 1991. Regulatory Determination Notice due 01/31/91. See Additional Information for other legal deadlines.

Abstract: EPA is presently developing a list of "high-volume, low- hazard" ore processing wastes for study under Section 8002(p) of RCRA, in response to an opinion of the U.S. Court of Appeals for the D.C. Circuit (EDF v. EPA, 852 F.2d 1316 (D.C. Cir. 1988). EPA will then conduct a Section 8002 study of those processing wastes excluded from Subtitle C regulation by the "Bevill Amendment" 3001(b)(3)(A) RCRA. The study will culminate in a Report to Congress in July 1990. RCRA Section 3001(b)(3) requires the Agency, after public hearing and public comment, to determine within six months of submitting the report, whether to regulate any of these wastes under RCRA Subtitle C.

Timetable:

Application of Final Criteria		
NPRM 09/25/89 (54 FR 39298)		
Final Action 01/00/90		
List of Exempted Wastes		
NPRM 10/20/88 (53 FR 41288)		
NPRM 04/17/89 (54 FR 15316)		
Final Action 09/01/89 (54 FR 36592)		
Regulatory Determination		
Notice 01/00/91		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2651.

FTS:8-382-3608

LEGAL DEADLINE CONT:

NPRM, Judicial, September 15, 1989.

Final, Judicial, January 15, 1990.

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 382-3608

RIN: 2050–AC41

3123. FORTY-SEVEN ANALYTICAL METHODS APPROVED FOR SUBTITLE C RCRA HAZARDOUS WASTE TESTING

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 260; 40 CFR 261

Legal Deadline: None

Abstract: This rule promulgates 47 new analytical methods approved for RCRA Subtitle C hazardous waste testing that were originally proposed in 1984. The purpose of this rulemaking is to provide better and more complete test methods for RCRA-related testing. These 47 methods may be used to meet regulatory requirements in conjunction with, or in addition to, the methods found in the Second Edition of SW-846, as amended by Updates I and II. Except where regulations specifically require the use of certain SW-846 test methods or QC procedures, the SW-846 manual is a guidance document and is not mandatory. These 47 methods offer the regulated community in some cases refinements of existing methods that are usually used, and in other cases, new technologies that provide alternative methods to those now available for the analysis of certain analytes or parameters. Therefore, the Agency believes that the economic impact of this rule on the regulatory community will be minimal to none.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38786
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2058.

FTS:8-382-3282

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 382-3282

RIN: 2050–AC80

3124. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIMETHYL HYDRAZINE

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002; 42 USC 6938

CFR Citation: 40 CFR 261; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA 3001(e) requires EPOA to make a determination whether or not to list Dimethylhydrazine wastes within 15 months of the passage of HSWA.

Abstract: This rule will determine whether or not to list as hazardous wastes under RCRA four waste streams from the production of unsymmetrical dimethyl hydrazine (UDMH). The Agency will also designate these wastes as hazardous under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	12/20/84	49 FR 49556
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1954.

FTS:8-475-9888

Agency Contact: Michael Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, OS-332, Washington, DC 20460, 202 475-9888

RIN: 2050–AC91

3125. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: CHLORINATED ALIPHATIC WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002; 42 USC 6938

CFR Citation: 40 CFR 261.31; 40 CFR 302

Legal Deadline: Final, Statutory, February 8, 1986.
RCRA 3001(e) requires EPA to make a determination whether or not to list chlorinated Aliphatic Wastes within 15 months of the passage of HSWA.

Abstract: This rule will determine whether or not to list as hazardous wastes under RCRA two generic categories of wastes generated during the production of chlorinated aliphatic hydrocarbons by three radical catalyzed processes. These wastes also will be designated as hazardous substances under CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	02/10/84	49 FR 5313
Interim Final Rule	02/10/84	49 FR 5308
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

EPA—RCRA

Final Rule Stage

Additional Information: SAR No. 1854.

FTS:8-382-4769

Agency Contact: Steve Cochran, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, **202 382-4769**

RIN: 2050–AC92

3126. AMENDMENT TO THE FO19 HAZARDOUS WASTE LISTING TO EXCLUDE WASTEWATER TREATMENT SLUDGES FROM ZIRCONIUM PHOSPHATING IN THE ALUMINUM CAN WASHING PROCESS

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922

CFR Citation: 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 268; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: This rule will modify the hazardous waste listing F019, wastewater treatment sludges from the chemical conversion coating of aluminum, (40 CFR 261.31). The modification will narrow the scope of the F019 listing to exclude the zirconium phosphating of aluminum cans process because it does not use or form any Appendix VIII constituents in hazardous concentrations. There are approximately 80 facilities employing this process, which is currently within the scope of the F019 listing. This modification to F019 will not exclude facilities engaged in other types of chemical conversion coating of aluminum.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32320
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2676.

FTS:8-245-3519

Agency Contact: Denise Wright, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, **202 245-3519**

RIN: 2050–AC78

3127. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(c) / RCRA 3004(c)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: Final, Statutory, February 8, 1986.

Abstract: The Agency has proposed these regulations under the Hazardous and Solid Waste Amendment of 1984. The regulation will 1) minimize the placement of containers holding liquid hazardous waste and free liquids in hazardous waste landfills, 2) minimize the presence of free liquids in containers holding hazardous waste to be disposed of in landfills and 3) prohibit the use of absorbents that biodegrade or release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Notice of Availability of Supplemental Information	06/24/87	52 FR 23695
Final Action	06/00/94	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2207.

FTS:8-475-8860

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 475-8860**

RIN: 2050–AA34

3128. GROUND-WATER MONITORING AT HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action will change the Subpart F ground-water monitoring regulations. The following is a summary of the major changes: - allow use of site-specific data on contaminant fate and transport for groundwater monitoring variances; - allow flexibility in well installation requirements when access to waste management boundary is difficult; - clarify the definition of waste management area and provide flexibility in determining the appropriate monitoring or response programs for individual areas; - allow flexibility in schedules for submittal of information upon approval by the Regional Administrator (RA); - base the requirement for ground-water flow rate & direction determinations upon site-specific fluctuations in water levels; - clarify the RA's authority to require monitoring of any flow pathway in the uppermost aquifer and unsaturated zone; - clarify the Regional Administrator's authority to designate supplemental monitoring wells when justified by complicated monitoring situations; and (see additional information for completion of abstract)

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 28160
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2277.

FTS-382-4685

ABSTRACT CONT:

- allow a return to detection or compliance monitoring as appropriate; - add quality assurance and quality control requirements for groundwater monitoring devices and methods

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4685**

RIN: 2050–AB20

3129. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(o) /RCRA 3004(o)

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 144

Legal Deadline: Final, Statutory, November 1986.

Abstract: This rule establishes minimum technology requirements (e.g.,

double liners and leachate collection systems) for new hazardous waste landfills and surface impoundments, as well as lateral expansions and replacements to existing landfills and surface impoundments. This rule will establish standards for these systems enabling unit owners and operators to design and construct systems that will protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Notice of Availability of Information	04/17/87	52 FR 12566
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2388.

FTS: 8-382-4684

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4684

RIN: 2050–AB76

3130. PERMITTING MOBILE HAZARDOUS WASTE TREATMENT UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 3005

CFR Citation: 40 CFR 260; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: This action responds to a petition submitted to EPA by the Hazardous Waste Treatment Council (HWTC). It will establish state-wide permitting procedures for mobile hazardous waste treatment units, and will modify hazardous waste delisting procedures so that hazardous waste treatment residues could be delisted as part of the permitting process. In addition, the petition response solicited comment on HWTC's request that EPA exempt certain treatment technologies from the requirements for hazardous waste management.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20914
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2397.

FTS:8-475-6729

Agency Contact: Deborah Gallman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 475-6729

RIN: 2050–AC20

3131. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM-FINANCIAL RESPONSIBILITY REQUIREMENTS; SUSPENSION OF ENFORCEMENT PROCEDURES

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This regulation would establish final procedures for suspension of enforcement from the "Financial Responsibility - Requirements," which were published on October 26, 1988 (53FR43322).EPA is currently reevaluating the need for this regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12786
Final Action	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAR No. 2641.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC63

ENVIRONMENTAL PROTECTION AGENCY (EPA)
Resource Conservation and Recovery Act (RCRA)

Completed Actions

3132. DELAY IN THE CLOSURE PERIOD FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

CFR Citation: 40 CFR 264; 40 CFR 265

Completed:

Reason	Date	FR Cite
Final Action	08/14/89	54 FR 33376

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sharon Frey 202 475-6725

RIN: 2050–AB71

3133. LAND DISPOSAL RESTRICTION FOR SECOND THIRD OF SCHEDULED WASTES

Significance: Regulatory Program

CFR Citation: 40 CFR 268

Completed:

Reason	Date	FR Cite
Final Action	06/23/89	54 FR 26594

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhonda Craig 202 382-4770

RIN: 2050–AC55

3134. HAZARDOUS WASTE MANAGEMENT SYSTEM: SUBPART C REQUIREMENTS OF RULEMAKING PETITIONS (REVISION)

CFR Citation: 40 CFR 260.22(b)

Completed:

Reason	Date	FR Cite
Final Action	06/27/89	54 FR 27114

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Cessar 202 475-9828

RIN: 2050–AC75

EPA—RCRA

Completed Actions

3135. NEW REQUIREMENTS FOR STATE HAZARDOUS WASTE PROGRAMS

CFR Citation: 40 CFR 271

Completed:

Reason	Date	FR Cite
Withdrawn	08/01/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Michael Forlini 202 382-2229

RIN: 2050–AC51

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prerule Stage

Clean Air Act (CAA)

3136. NAAQS: NITROGEN DIOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Reviews by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the NO2 NAAQS was completed in June 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	02/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1004.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, N.C. 27711, **919 541-5656**

RIN: 2060–AC06

3137. NAAQS: CARBON MONOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory, Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1001.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC07

3138. NSPS: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Legal Deadline: Final, Statutory, August 1982.

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on vinyl chloride (see benzene reconsideration). This action could affect any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
NOTICE -- solicitation of public participation	08/10/87	52 FR 29548
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA12

3139. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Legal Deadline: Final, Statutory, August 1982.

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. The potential regulations would apply to all types of machines and could also address auxiliary equipment and safe workplace practices.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
NOTICE Decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA14

3140. NSPS: ORGANIC SOLVENT DEGREASING (111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Section 111(d) of the CAA provides a mechanism by which EPA can require states to develop emissions standards for existing sources for certain source categories for which NSPS standards have been developed. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on vinyl chloride (see benzene reconsideration). This action could impact any manufacturing operations that employs organic solvent cleaners to remove grease and oils from parts prior to assembly.

Timetable:

Action	Date	FR Cite
Notice Decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1695.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA33

3141. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS (REVIEW)

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing and asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2430.

FTS:8-629-5425.

Agency Contact: Kenneth Durkee, Chief, Standards Documentation Section, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5425**

RIN: 2060–AC21

3142. NESHAP: CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). EPA is investigating the need for regulation of cadmium and techniques to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 112, and EPA will propose standards.

Timetable:

Action	Date	FR Cite
Decision on Regulation	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1869.

FTS:8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5602**

RIN: 2060–AB92

3143. NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: In 1985, the Agency published a notice of intent to list perchloroethylene under Section 112. A decision on whether to regulate this source category under the NESHAP program has been delayed pending a decision on how to respond to the court's decision on the Vinyl Chloride NESHAP (see benzene reconsideration). The potential NESHAP regulations would apply to all types of machines and could also address auxiliary equipment and safe workplace practices.

Timetable:

Action	Date	FR Cite
NOTICE -- intent to list	12/26/85	50 FR 52880
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2360.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air

and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC27

3144. NESHAP: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on the Vinyl Chloride NESHAP (see benzene reconsideration). The potential NESHAP regulations would apply to organic solvent cleaners (degreasers) and would control emissions of perchloroethylene, methylene chloride, and trichlorethylene from new and existing sources. The emissions reduction techniques that would be considered would be combinations of add-on controls, hardware and improved operating practices.

Timetable:

Action	Date	FR Cite
NOTICE -- solicitation of public participation	08/17/87	52 FR 29548
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAR No. 1695.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC31

3145. FUEL AND FUEL ADDITIVES: HEALTH AND EMISSIONS EFFECTS TESTING

Legal Authority: 42 USC 7545(e) / CAA 211(e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Final, Statutory, August 7, 1978.

Abstract: The CAA requires that testing protocols be developed to address at a minimum, the possible carcinogenic, mutagenic, and teratogenic effects of fuels and fuel additives as well as their effect on emissions and emission control devices. This action would implement protocols for such testing, which would have to be performed prior to fuel or additive registration, and or in the case already registered fuels, within three years of the date on which the protocols are promulgated. Fuels and additives already registered or for sale would also have to undergo testing testing, as provided for by the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2365.

FTS:8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8408**

RIN: 2060–AC10

3146. GENERAL REQUIREMENTS FOR DETERMINATION OF GASOLINE METAL CONTENT

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will add a new method(s) to a previously promulgated set of testing procedures for the determination of lead (and perhaps other metals) content in gasoline. Such action would provide flexibility to both government and private laboratories in analyzing gasoline samples.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/89	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2629.

FTS:8-475-8841

Agency Contact: David Kortum, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 475-8841**

RIN: 2060–AC52

ENVIRONMENTAL PROTECTION AGENCY (EPA) — Proposed Rule Stage

Clean Air Act (CAA)

3147. PROTECTION OF STRATOSPHERIC OZONE

Significance: Agency Priority

Legal Authority: 42 USC 7457(b)

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA issued an Advance Notice of Proposed Rulemaking (ANPR) on August 12, 1988, seeking public comment on whether the Agency should add a regulatory fee to its current allocated-quota rule, or whether it should shift to an auction based regulation. The ANPR also asked for comment on the need for direct regulation on CFC or halon use to supplement its existing rule. This activity will follow-up on these issues.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/88	52 FR 30604
ANPRM Comment Period End	11/01/88	52 FR 30604
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 2679.

FTS:8-382-2787

Agency Contact: Stephen Seidel, Environmental Protection Agency, Air and Radiation, ANR-445, Washington, DC 20460, **202 382-2787**

RIN: 2060–AC09

3148. NAAQS: LEAD (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory, Reviews due by December 31, 1980 and at 5-year intervals.

Abstract: EPA is reassessing the health and welfare information that has become available since the promulgation of the standard. The Agency has prepared a staff paper for review by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Closure	09/00/89	
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1919.

FTS: 8-629-5656.

Docket No. A-83-22.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA95

3149. NAAQS: OZONE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing health and welfare information which has become available since the last revision of the standard. In May 1989 EPA received closure on the scientific and technical adequacy of the ozone staff paper. In order to retain a unified regulatory review package in light of the emerging data base on health and welfare effects associated with longer-term averaging times, EPA is continuing the standard review until such information is published and a decision made on the appropriate standards choice. The major issue is whether the new information will indicate that new standards with longer-term averaging times are required to protect public health and welfare or whether adequate protection is afforded by the current form and averaging time of the standard.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1920.

FTS: 8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA96

3150. NAAQS: FINE PARTICULATE MATTER

Significance: Regulatory Program

Legal Authority: 42 USC 7408 /CAA 108; 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.7

Legal Deadline: None

Abstract: On July 1, 1987, EPA issued an ANPRM soliciting public comment on the development of a new secondary (welfare-based) NAAQS for fine particles (those particles less than 2.5 micrometers in aerodynamic diameter). This action represents a continuation of the review process for the secondary standards for particulate matter discussed by the Agency on March 20, 1984 (49 FR 10408). The principal welfare effect to be addressed by such a standard is impairment of visibility. Once a decision on whether and how to proceed is reached, a schedule for further action will be developed.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24670
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2577.

FTS:8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC32

3151. FEDERAL PROMULGATION OF STATE IMPLEMENTATION PLAN TO PROTECT VISIBILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7410 /CAA 110; 42 USC 7491 /CAA 169A

CFR Citation: 40 CFR 52

Legal Deadline: NPRM, Judicial. (See Timetable)

Abstract: Section 169A of the CAA requires that State Implementation Plans (SIPs) contain provisions to remedy existing and prevent future visibility impairment in certain national parks and wilderness areas. In 1980, EPA promulgated guideline regulations for States to follow in developing their SIP revisions (40 CFR 51.300-307). Many States failed to submit adequate visibility SIPs and EPA was sued to force the Agency to promulgate SIPs for such States. EPA entered into a consent decree under which it agreed to promulgate SIPs implementing the requirements of the visibility regulations in States that have not submitted adequate SIPs. This activity was divided into four parts, the first and third of which have been completed. Part IV is being proposed and promulgated according to the schedule shown under timetable.

EPA—CAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	11/24/87	52 FR 45132
NPRM Remedying Existing Impairment (Part III)	09/15/88	53 FR 35956
Final Action Remedying Existing Impairment (Part III)	05/19/89	54 FR 21904
NPRM Attribution Decision (Part IV)	09/05/89	54 FR 36948
NPRM Remedying Existing Impairment (Part IV)	02/00/90	
Final Action Remedying Existing Impairment (Part IV)	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2428.

FTS:8-629-5634

Docket No. A-89-02

Agency Contact: Denise W. Scott, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-0870**

RIN: 2060–AB82

3152. NEW SOURCE REVIEW REQUIREMENTS -- CMA EXHIBIT B

Legal Authority: 42 USC 7410 /CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association (CMA) and other parties who challenged the regulation amendments promulgated on August 7, 1980. This action covers the issues in Exhibit B of the agreement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2608.

FTS:8-629-5592

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC, 27711, **919 541-5592**

RIN: 2060–AC54

3153. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The scope of the Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million 1b/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1931.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AB55

3154. NSPS: MUNICIPAL WASTE COMBUSTORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, November 30, 1989. Final, Judicial, December 31, 1990.

Abstract: The EPA has completed a preliminary assessment of air emissions from municipal waste combustors (MWC). Based on this assessment, EPA has concluded that MWC emissions may reasonably be anticipated to contribute to the endangerment of public health and welfare. As a result, EPA issued a notice in the Federal Register (52 FR 25399) that announces its intent to regulate emissions from new and modified MWC under Section 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Sections 108-110 or 112) thus invoking Section 111(d) which will require States to develop additional emissions standards for existing MWC based on EPA guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/87	52 FR 25399
ANPRM Comment Period End	10/06/87	52 FR 37335
NPRM	11/00/89	
Final Action	12/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2424.

FTS:8:629-5602

Agency Contact: Alfred E. Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 2771, **919 541-5602**

RIN: 2060–AC26

3155. NSPS: MUNICIPAL LANDFILLS

Significance: Agency Priority

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The purpose of this action is to develop a proposal for regulating emissions from new and modified municipal landfills under Section 111(b). Pollutants to be regulated would include one or more designated pollutants (pollutants not regulated under Section 108 - 110 or 112 of the Act) thus invoking Section 111(d). Section 111(d) would require States to develop emission standards for existing landfills based on EPA guidelines.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	05/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2535.

FTS:8-629-5395

Agency Contact: K.C. Hustvedt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5395**

RIN: 2060–AC42

3156. ● NSPS: MEDICAL WASTE INCINERATION

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The incineration of medical waste is being investigated for control under Section 111. Add-on controls and operator training requirements are being investigated.

Timetable:

Action	Date	FR Cite
NPRM	03/00/92	
Final Action	09/00/93	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2719.

FTS:8-629-5425

Agency Contact: Ken Durkee, Environmental Protection Agency, Air and Radiation, U.S. EPA, Research Triangle Park (MD-13), North Carolina, 27711, **919 541-5425**

RIN: 2060–AC69

3157. NESHAP: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL-CHARGED BATTERIES

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Statutory, March 1985.

Abstract: This regulation would control emissions of coke oven emissions, which have been designated as hazardous under section 112. It would require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may apply to charging and leaks from doors, lids, or offtakes for all existing or new sources. A supplemental proposal will be published to reevaluate the standard consistent with the court decision on vinyl chloride. The schedule has been delayed pending a decision on how to respond to a court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	04/23/87	52 FR 13586
NPRM (Supplemental)	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA48

3158. NESHAP: ASBESTOS REVISION (RISK REDUCTION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revising the asbestos NESHAP to reduce further the risks to public health. The schedule has been delayed pending a decision on how to respond to the court decision on the vinyl chloride NESHAP (see "benzene reconsideration"). The Agency also is considering another revision on an accelerated schedule that would address compliance and monitoring provisions only. See asbestos revision (compliance provisions).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714.

FTS 8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AB51

3159. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 112

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of various pollutants. The Agency will publish decisions regarding whether certain pollutants should be controlled under the Clean Air Act or under other regulatory mechanisms in order to protect the public health. Decisions of regulating specific pollutants have been delayed pending decision on how to respond to the court decision on the Vinyl Chloride NESHAP (See Benzene Reconsideration).

Timetable:

Action	Date	FR Cite
Decision on Regulations Various Air Pollutants	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2181.

FTS:8-629-5647

Agency Contact: Robert G. Kellam, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5647**

RIN: 2060–AB56

3160. NESHAP: CHROMIUM

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. Also, EPA is investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will propose standards. Agency actions on industrial comfort cooling towers and chromium electroplating are described separately in the agenda.

Timetable:

Action	Date	FR Cite
NPRM -- decision on whether to regulate	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2181.

FTS: 8-629-5596

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5596

RIN: 2060–AB83

3161. NESHAP: CHROMIUM--INDUSTRIAL COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24137). EPA is further assessing the public health risks of chromium compounds. Preliminary assessment performed by EPA has identified industrial process cooling towers as a source category for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emissions standards are warranted, chromium or hexavalent chromium will be listed under Section 112 and EPA will propose standards. However, the schedule has been postponed pending the court decision on the Vinyl Chloride NESHAP (see Benzene Reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5602

RIN: 2060–AC12

3162. NESHAP: CHROMIUM--ELECTROPLATING

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. A preliminary assessment performed by EPA has identified chromium electroplating as a source category which emits significant quantities of chromium to the atmosphere and for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and standards will be proposed. However, the schedule has been delayed pending a decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see Benzene Reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5602

RIN: 2060–AC14

3163. NESHAP: HAZARDOUS ORGANICS

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential regulation would control emissions of 1,3-butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride, as hazardous pollutants under Section 112. The potential regulation would cover the production categories and some use categories for these eight pollutants. It would require installation of combustion devices to control process vents and an inspection and monitoring program to control leaks from pumps and valves. The schedule has been delayed pending a decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2363

FTS:8-629-5568

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AC19

3164. NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential standard would control ethylene oxide emissions from sterilization chambers. The emission reduction being considered would require add-on controls for sterilizers. The schedule has been delayed pending decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2484.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC28

3165. GUIDELINE ON AIR QUALITY MODELS (REVISION)

Legal Authority: 42 USC 2475(e)/CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None

Abstract: In response to Section 320 of the Clean Air Act, EPA held the Fourth Conference on Air Quality Modeling in October 1988. Based on input provided to the Agency at or closely following this Conference, additional revisions to EPA's Guideline on Air Quality Models have been defined and a NPRM is being developed.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2557.

FTS:8-629-5561

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, (MD-14), Research Triangle Park, NC 27711, **919 541-5561**

RIN: 2060–AC43

3166. PSD INCREMENTS FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7476/CAA 166

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The purpose of this action is to prevent significant deterioration of air quality as measured by the new indicator for particulate matter, PM10. The existing PSD program has particulate matter increments based on the original TSP indicator. The EPA has now promulgated a PM10 NAAQS to replace the original TSP-based particulate matter NAAQS. Therefore, EPA is preparing to revise the PSD program by promulgating PM10 increments in accordance with section 166 of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	10/05/89	54 FR 41218
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2491.

FTS:8:629-5593

Docket No. A-88-19

Agency Contact: Daniel DeRoeck, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5593**

RIN: 2060–AC33

3167. ● MOTOR VEHICLE TEST PROCEDURES FOR EVAPORATIVE HYDROCARBONS (REVISION)

Significance: Agency Priority

Legal Authority: 42 USC 7521 /CAA 201; 42 USC 7525 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In conjunction with testing in support of EPA's regulatory effort to control motor vehicle reeling emissions, EPA determined that significant evaporative hydrocarbon emissions can occur when a motor vehicle is running. Such emissions are defined by EPA as "running losses." Testing has shown that running losses can be particularly high on hot summer days which are also conducive to ozone formation. Through this action, EPA will evaluate revisions to the motor vehicle test procedures for evaporative hydrocarbons in order to reduce running losses.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8339

This action is a result of the motor vehicle refueling emissions control regulatory action. Previously part of RIN:2060-AC04

Agency Contact: Rick Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AC64

3168. ● ON-BOARD VEHICLE BASED DIAGNOSTIC SYSTEM REQUIREMENT

Legal Authority: 42 USC 7521 /CAA 201; 42 USC 7525 /CAA 206; 42 USC 7526 /CAA 207

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA will evaluate the imposition of requirements for passenger cars and light trucks for on-board vehicle diagnostic systems capable of detecting operational malfunctions within the emissions control system. Emission system failures often go undetected or are misdiagnosed resulting in excess emissions of carbon monoxide, hydrocarbons, and oxides of nitrogen. On-board diagnostic systems, which are required in the California vehicle emissions program beginning with the 1988 model year, have the potential for improving air quality through the early detection and proper repair of emission system failures. This regulatory effort will be structured to compliment existing and future State and local inspection and maintenance programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2704.

FTS:8-374-8214

Agency Contact: John German, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4214

RIN: 2060–AC65

3169. EMISSION STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Through this action, EPA will propose more stringent hydro- carbon and CO emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The proposed standards would be set at levels which could be met by applying currently available passenger car control technology to light trucks.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/86	51 FR 32032
NPRM	10/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAR No. 2287.

FTS: 8-374-8496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-8496

RIN: 2060–AB85

3170. AMENDMENTS TO MOTOR VEHICLE IMPORTS REGULATIONS PERTAINING TO CANADIAN VEHICLES

Significance: Agency Priority

Legal Authority: 42 USC 7522 /CAA 203; 42 USC 7525 /CAA 206; 42 USC 7541/CAA 207; 42 USC 7542/CAA 208; 42 USC 7601/CAA 301

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider amendments to the regulations in 40 CFR Part 85, Subpart P as they pertain to importers of vehicles which are originally sold in Canada and which are identical to their U.S.-certified counterparts. This action is in response to a petition for review of the imports regulations filed on November 24, 1987.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2665.

FTS:8-382-2542

Agency Contact: Randall Chaffins, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, Office of Air & Radiation (EN-340F), Washington, D.C. 20460, 202 382-2542

RIN: 2060–AC58

3171. INTERIM COLD AMBIENT AIR TEMPERATURE CARBON MONOXIDE EMISSION STANDARDS

Significance: Agency Priority

Legal Authority: 42 USC 7521 /CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA's current carbon monoxide (CO) emission standards are applicable to the 68 degree to 86 degree farenheit temperature range of the current Federal Test Procedure. Since CO emissions are higher at colder ambient temperatures, and since CO ambient air quality problems occur primarily under ambient temperature conditions less than 68 degrees farenheit, EPA is considering the adoption of CO emission standards applicable to 20 degrees farenheit.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2660.

FTS:8-374-8214

Agency Contact: John German, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-8214

RIN: 2060–AC59

3172. REVISIONS TO THE STACK HEIGHT REGULATION

Legal Authority: 42 USC 7423/CAA 123

CFR Citation: 40 CFR 51.100

Legal Deadline: None

Abstract: Under the Clean Air Act, emission limitations for sources are generally determined on the basis of local, ground-level concentrations of pollutants. In the absence of laws and/or regulations prohibiting such action, a source can lower the local ground-level ambient pollutant concentrations not only by reducing the amount of pollutants it emits into the air, but also by raising the physical height of its stack or using other dispersion techniques. Section 123, which was added to the CAA by the 1977 Amendments, restricts the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. The EPA promulgated the current stack height regulation on July 8, 1985. On January 22, 1988, the U.S. Court of Appeals for the D.C. Circuit upheld EPA's regulation except for three provisions which were remanded to the Agency for proceedings consistent with the court's opinion. The purpose of this action is to revise the stack height regulation in accordance with the January 22, 1988 court decision.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2589.

The court remanded two grandfathering provisions which allow dispersion credit, including credit for certain stack height increases. The decision also remanded the allowance of dispersion credit for sources with originally

designed and constructed merged stacks. The court concluded that exclusion of these groups of sources from the regulation's restrictions was not adequately supported. The EPA is analyzing the court decision to determine whether further support should be offered for the current provisions or whether to revise the regulation to limit or delete these exclusionary provisions. The Agency's regulatory decisions and any rule revisions will be proposed for public comment in the Federal Register before taking final action.

Agency Contact: Doug Grano, Environmental Protection Agency, Air and Radiation, EPA(MD-15), Research Triangle Park, NC 27711, **919 541-5255**

RIN: 2060–AC60

3173. TEST PROCEDURES FOR TRAP-EQUIPPED DIESEL VEHICLES AND ENGINES

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: The particulate standards for 1991 and later model year heavy-duty diesel engines may require the use of trap-oxidizers for some vehicles and engines. The existing test procedures do not expressly describe how to deal with emissions and fuel economy effects during trap regeneration. If it turns out that trap oxidizers are necessary to comply with the 1991 particulate standards, the Agency will develop an appropriate test procedure.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2373.

FTS: 8-374-8496

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8496**

RIN: 2060–AC08

3174. NONCONFORMANCE PENALTIES FOR 1991 THROUGH 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7524 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1991 through 1994 model year emission standards for heavy-duty vehicles and engines. The availability of NCPs will allow a manufacturer, whose vehicles or engines fail to conform with certain applicable emission standards, but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This rule is the third phase of NCP rulemaking. The first, published August 30, 1985, established generic aspects of NCPs. The second, published December 31, 1985, addressed NCPs applicable to 1987 through 1990 model years.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2431.

FTS:8-382-2535.

Agency Contact: Richard Babst, Environmental Protection Agency, Air and Radiation, (EN-340-F), Washington, DC 20460, **202 382-2535**

RIN: 2060–AC39

3175. DIESEL FUEL QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: None

Abstract: Trap oxidizers, the use of which may be required to meet future heavy-duty diesel particulate standards, may require the use of low sulfur diesel fuels. In promulgating the particulate standard, EPA promised to examine the potential need for low-sulfur fuel. In particular, fuel sulfur and aromatics content have been shown to have a direct effect on particulate emissions. This action will consider the costs and benefits of improving diesel fuel quality.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2366.

FTS:8-374-8339

Agency Contact: Richard Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AC00

3176. FUEL AND FUEL ADDITIVES: ENFORCEMENT OF SECTION 211(F)(4) WAIVERS

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: The purpose of this action is to establish regulations under sections 211(c) and 211(f) of the CAA for the enforcement of prohibitions against certain fuel and fuel additives not complying with CAA requirements. The regulations will also formalize the procedures for reviewing applications from manufacturers of fuel and fuel additives for waivers of the provisions of paragraphs (1), (2), and (3) of section 211(f), which the Agency may grant pursuant to section 211(f)(4).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2604.

FTS:8-382-2640

Agency Contact: Steven Hoover, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2640**

RIN: 2060–AC53

EPA—CAA

Proposed Rule Stage

3177. ● RADON USER FEES

Legal Authority: 15 USC 2665 Sec. 305 Indoor Radon Abatement Act

CFR Citation: None

Legal Deadline: None

Abstract: Section 305 of the Indoor Radon Abatement Act authorizes the imposition of fees for certain voluntary proficiency and training programs. The fees will be deposited into a special account with amounts in the account to be appropriated for administering and establishing these programs. Fees will be charged for the National Radon Measurement Proficiency (RMP) Program, field and classroom training, and the National Radon Contractor Proficiency Program (RCPP) exam.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	
Final Action	09/00/90	
Final Action Effective	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $3,000,000; Yearly Recurring Cost: $2,500,000; Base Year for Dollar Estimates: 1989

Sectors Affected: Multiple

Additional Information: SAR No. 2690.

FTS:8-475-9617

Agency Contact: Jamie Burnett, Environmental Protection Agency, Air and Radiation, U.S. EPA/OAR/ORP (ANR 464), 401 M St., S.W., Washington, D.C. 20460, 202 475-9617

RIN: 2060–AC66

3178. TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I to N

Legal Deadline: None

Abstract: The purpose of this action is to investigate the health impact of non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Area sources include surface impoundments, landfills, waste piles, land treatment operations and waste water treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment. The Agency has adopted a three-phase approach, with Phase I concerning organic emission leaks and vents, Phase II concerns hazardous waste storage tanks and impoundments, and Phase III deals with residual risks from particular hazardous organic constituents.

Timetable:

Leaks and Vents
NPRM 02/05/87 (52 FR 3748)
Final Action 11/00/89

Tanks and Impoundments
NPRM 11/00/89
Final Action 03/00/91

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2240.

FTS:8-629-5672.

Agency Contact: K.C. Hustvedt, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5395

RIN: 2060–AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Clean Air Act (CAA)

3179. STATE IMPLEMENTATION PLANS: ATTAINMENT STATUS DESIGNATIONS

Significance: Agency Priority

Legal Authority: PL 100-202

CFR Citation: 40 CFR 81

Legal Deadline: NPRM, Statutory, August 31, 1988.

Abstract: On June 6, 1988 (53 FR 20722), the EPA, as directed by the Mitchell-Conte Amendment of December 22, 1987 (contained in the continuing resolution of 1987, Pub. L. 100-202), proposed to designate as nonattainment under the CAA those areas throughout the nation that have not attained the NAAQS for either ozone or carbon monoxide (CO). EPA proposed to designate as nonattainment some areas currently codified under the Clean Air Act as attainment or unclassified, and to renew the designations for areas currently codified under the Clean Air Act as nonattainment The notice also proposed for public comment 3 interpretations of the regulatory consequences of these nonattainment designations under the Mitchell-Conte amendment.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20722
NPRM Comment Period End	08/05/88	53 FR 20722
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 5440.

FTS:8-629-5517

Docket No. A-88-17

Pub. L. 100-202

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5517

RIN: 2060–AC56

3180. NAAQS: SULFUR OXIDES (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Final, Statutory, December 31, 1980.
Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as

appropriate to protect public health and welfare. On April 26, 1988, EPA announced its proposed decision not to revise the current standards. The notice also solicited comment on the alternative of adding a new 1-hour standard and certain other revisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	04/26/88	53 FR 14926
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1002.

Docket No. A-84-25.

FTS:8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA61

3181. NEW SOURCE REVIEW REQUIREMENTS -- SURFACE COAL MINES AND FUGITIVE EMISSIONS

Significance: Regulatory Program

Legal Authority: 42 USC 7410/CAA 110; 42 USC 7470/CAA 160; 42 USC 7471/CAA 161; 42 USC 7472/CAA 162; 42 USC 7473/CAA 163; 42 USC 7474/CAA 164; 42 USC 7475/CAA 165; 42 USC 7476/CAA 166; 42 USC 7477/CAA 167; 42 USC 7478/CAA 168; 42 USC 7479/CAA 169

CFR Citation: 40 CFR 52.21; 40 CFR 51.166; 40 CFR 52.24; 40 CFR 51, Appendix S

Legal Deadline: Final, Judicial, November 16, 1989.

Abstract: The various EPA regulations that govern new construction under the CAA generally apply to "major" new stationary sources of air pollution and "major" modifications of existing sources. They require fugitive emissions to be included in threshold applicability determinations of whether a new source is "major," but only for 30 categories of sources. The purpose of this action is to determine if surface coal mines should be added to the existing list of 30 categories. A companion action will respond to a petition on the more general issue of including fugitive emissions in NSR applicability determinations.

Timetable:

Action	Date	FR Cite
NPRM	10/26/84	49 FR 43211
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2298.

FTS:8-629-5374

Docket No. A-84-33

Agency Contact: William Lamason, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5374**

RIN: 2060–AC40

3182. NSPS: SOCMI AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: None

Abstract: EPA has proposed regulations which would control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1618.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA30

3183. NSPS: SOCMI DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed this regulation which would control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1733.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA35

3184. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, August 1982.

Abstract: Upon promulgation, this rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	52 FR 36678
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Sectors Affected: Multiple

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AA37

EPA—CAA

Final Rule Stage

3185. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed to revise the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This proposal does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2044.

FTS: 6-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AB22

3186. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed revisions to the existing NSPS for large fossil fuel-fired steam generators which would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2083.

FTS: 8-629-5251.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060–AB29

3187. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, June 1, 1989. Final, Judicial, September 1, 1990.

Abstract: EPA has proposed new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 million Btu/hr or less.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	54 FR 24792
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2239.

FTS:8-629-5251

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5251

RIN: 2060–AB95

3188. STATE IMPLEMENTATION PLANS: POLICY ON POST - 1987 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NOT ATTAINING THE NATIONAL AMBIENT AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7401 et seq/CAA

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: The EPA is developing a program to address the fact that many areas in the country have not attained the national ambient air quality standards (NAAQS) for ozone and carbon monoxide (CO) by December 31, 1987, the latest date for attainment expressly identified in the Clean Air Act. This notice describes EPA's views about how EPA should interpret the Act so as to bring those areas into attainment, the reasons for that interpretation, and the concrete steps EPA intends to take to implement that interpretation soon and in the long term. The final policy will be an advance notice of how EPA intends, in subsequent rulemakings, to judge the adequacy of State efforts to plan for attainment of the ozone and CO standards.

Timetable:

Action	Date	FR Cite
NPRM	11/24/87	52 FR 45044
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2559.

FTS:8-629-5517

Docket No. A-87-18

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, 919 541-5517

RIN: 2060–AB96

3189. ● NSPS: CALCINERS AND DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 75411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: An NSPS was proposed in April, 1986 to regulate particulate matter emissions from calciners and dryers in mineral processing industries. This action will promulgate this regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/23/86	51 FR 15438
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2285.

Docket No. OAQPS 82-39

FTS:8-629-5568

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, U.S. EPA, Research Triangle Park, North Carolina, 27711, 919 541-5568

RIN: 2060–AC67

3190. NESHAP: CHROMIUM--COMFORT COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 15 USC 2605; 15 USC 2607

CFR Citation: 40 CFR 749

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds and investigating emissions of chromium and techniques that are available to control the emissions from identified source categories. Emissions from cooling towers using chromium chemicals in the recirculating water are predominantly hexavalent. EPA analysis has indicated that emissions standards are warranted, and standards have been proposed under Section 6 of TSCA.

Timetable:

Action	Date	FR Cite
Notice of Solicitation	09/15/86	51 FR 32668
NPRM	03/29/88	53 FR 10205
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5625

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5625

RIN: 2060–AC13

3191. RURAL FUGITIVE DUST POLICY FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7401 /et. seq CAA

CFR Citation: 40 CFR 50; 40 CFR 52

Legal Deadline: None

Abstract: Since 1977, EPA has allowed States with rural fugitive dust areas (RFDAs) to discount fugitive dust in developing and enforcing a State Implementation Plan(SIP) for attainment and maintenance of the NAAQS for particulate matter (PM). On July 1, 1987, EPA promulgated revisions to its particulate matter National Ambient Air Quality Standards (NAAQS), 52 FR 24634. In this notice, EPA also solicited comments on alternatives for SIP requirements for RFDAs and on the adequacy of the definitions which are used in identifying RFDAs, and the importance of protecting annual versus 24-hour NAAQS (52 FR 24716). The EPA will issue its decision after considering public comments on the alternatives. The EPA will continue its existing fugitive policy and apply it to implementation of the revised particulate standard until a decision is made.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24716
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2543.

FTS:8-629-5634

Agency Contact: Robin M. Dunkins, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5335

RIN: 2060–AC44

3192. NESHAP: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 7401/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Judicial, February 28, 1989. Final, Judicial, October 31, 1989.
U.S. Court of Appeals for the D.C. Circuit has granted EPA's motion to remand radionuclides NESHAPs and decisions not to regulate.

Abstract: EPA addressed the risks to individuals and to populations due to radionuclide emissions to air in rulemaking decisions issued in 1985 and 1986. This action will reevaluate the NESHAP regulatory decisions for: Department of Energy Facilities, Nuclear Regulatory Commission Licenses, Elemental Phosphorous plants, Radon-222 emissions from uranium mill tailings, Coal-fired boilers, uranium fuel cycle facilities, inactive uranium mill tailings, high-level radioactive waste, and phosphogypsum piles, to insure they are consistent with the recent court decision on the Vinyl Chloride NESHAP.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9612
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2547.

FTS:8-475-9610

Agency Contact: Terrence A. McLaughlin, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9610

RIN: 2060–AC47

3193. NESHAP FOR ASBESTOS (COMPLIANCE REVISIONS)

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revisions to the Asbestos NESHAP to enhance enforcement and promote compliance with the standards. The revision would require monitoring and proper operation and maintenance of air pollution control devices used by asbestos milling, manufacturing, and fabricating sources. It also would require additional work practice and recordkeeping provisions for demolition and renovation operations, including asbestos waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	01/10/89	54 FR 912
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714.

FTS:8-629-5625

This action was split from the asbestos risk reduction revision (RIN 2060-AB51)

so that the revised compliance revisions could be adopted on an accelerated schedule. The compliance provisions involve none of the legal issues that have delayed the risk reduction action (see "benzene reconsideration" and "asbestos revision, risk reduction").

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AC57

3194. ● NESHAP: BENZENE LITIGATION

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Judicial, August 31, 1989. Final, Judicial, February 27, 1990.

Abstract: On February 7, 1989, the District Court of the District of Columbia ordered EPA to propose decisions on whether to regulate benzene emissions from the following industrial sources of benzene: chemical manufacturing process vents; chemical manufacturing and petroleum refinery waste disposal; benzene handling; benzene solvent use; and gas marketing. This action proposed standards for these categories.

Timetable:

Action	Date	FR Cite
NPRM	09/14/89	54 FR 38083
Final Action	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. A-89-03 Benzene from Process Vents

Docket No. A-89-04 Benzene Transfer Operations

Docket No. A-89-05 Benzene as Industrial Solvents

Docket No. A-89-06 Benzene Waste Operations

Docket No. A-89-07 Gasoline Marketing System

SAR No. 2696

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, U.S. EPA, Research Triangle Park (MD-13), North Carolina, 27711, 919 541-5568

RIN: 2060–AC68

3195. CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7414; 42 USC 7541; 42 USC 7542; 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 80; 40 CFR 600; 40 CFR 86

Legal Deadline: None

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. A major reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. On March 22, EPA promulgated a rule limiting the summertime volatility of gasoline. EPA will continue to assess whether additional control of gasoline volatility is cost-effective and reasonable.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31274
Final Rule	03/22/89	54 FR 11868
Final Action (Additional Control)	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2318.

FTS:8-374-8339

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313 668-4339

RIN: 2060–AB89

3196. DECISION ON AIR POLLUTION REGULATORY STRATEGIES FOR THE GASOLINE MARKETING INDUSTRY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. The Bush Administration's recently proposed Clean Air Act amendments would delete section 202(a)(6) and substitute a requirement for Stage II controls.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31162
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8270

Agency Contact: Phil Carlson, Environmental Protection Agency, Air and Radiation, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105, 313 668-4270

RIN: 2060–AC04

3197. TRADING AND BANKING OF HEAVY-DUTY ENGINE NOX AND PM EMISSION CREDITS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In March 1985 the EPA promulgated NOx and PM emission standards for heavy-duty vehicles and engines. The rulemaking included a provision for emissions averaging for the final stages of standard implementation in order to mitigate the economic impact of the stringent standards. EPA realized that the averaging mechanism could provide more benefits to manufacturers with a broader product line. In order to address this issue, EPA included in the final package a provision to study the potential for mitigating this uneven distribution of benefits through an emissions credit trading program. The study was expanded to include the concept of 'banking' emissions credits. The study was completed and the Agency made it available to the public and a technical workshop was held in

EPA—CAA

Final Rule Stage

January 1987. EPA proposed a comprehensive trading and junking program for heavy-duty engines in May 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22652
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1315.

FTS: 8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4408**

RIN: 2060–AC05

3198. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This rule revises the regulations governing small-volume manufactured and small-volume engine family certification procedures. The revisions are intended to increase EPA's confidence in the useful life emissions compliance of vehicles and engines certified under the small-volume certification procedures. The revisions incorporate procedures to which many manufacturers currently adhere to and thus are designed to ensure that small volume manufacturers will also comply with these procedures. No significant impact on industry is expected.

Timetable:

Action	Date	FR Cite
NPRM	03/09/88	53 FR 7676
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2143.

FTS: 8-374-8444.

Agency Contact: Charles Cole, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4444**

RIN: 2060–AB54

3199. ALTERNATIVE TEST PROCEDURE FOR THE VOLUNTARY AFTERMARKET PART CERTIFICATION PROGRAM

Legal Authority: 42 USC 7541 (b) / CAA 207 (B)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action would consider an alternative testing procedure to be used in the voluntary aftermarket part certification program for certifying aftermarket parts. Currently only the full Federal Test Procedure and Emission Critical Parameters for Specified parts are acceptable test procedures for this program.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32598
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 2637.

FTS:8-374-4316

Agency Contact: Michael Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AC50

3200. MOTOR VEHICLE EMISSIONS PERFORMANCE WARRANTY SHORT TESTS

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider allowing alternative dynamometer specifications for an existing loaded-mode short test approved for use in State and local inspection/maintenance programs in conjunction with the federal emissions performance warranty regulations. The alternative specifications the Agency is considering would allow lower loading, perhaps varying by engine size. Such a change could improve overall test effectiveness for identifying excess in-use emissions and correlation with the Federal Test Procedure.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51956
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2638.

FTS:8-374-8471

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, Emission Control Technology Division, 2565 Plymouth Rd, Ann Arbor, MI 48105, **313 668-8471**

RIN: 2060–AC51

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Clean Air Act (CAA)

Completed Actions

3201. NEW SOURCE REVIEW REQUIREMENTS -- CMA EXHIBIT A

Significance: Regulatory Program

CFR Citation: 40 CFR 51; 40 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	06/28/89	54 FR 27274

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Gary McCutchen 919 541-5592

RIN: 2060–AA68

3202. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	08/17/89	54 FR 34008

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

EPA—CAA

Completed Actions

Agency Contact: Fred Dimmick 919 541-5625

RIN: 2060–AA36

3203. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	09/11/89	54 FR 37534

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AB67

3204. NESHAP: BENZENE RECONSIDERATION

Significance: Regulatory Program

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	09/14/89	54 FR 38044

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Fred Dimmick 919 541-5625

RIN: 2060–AC41

3205. EMISSION STANDARDS AND TEST PROCEDURES FOR METHANOL-FUELED NEW MOTOR VEHICLES

Significance: Regulatory Program

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	04/11/89	54 FR 14426

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Chuck Moulis 313 668-4229

RIN: 2060–AB28

3206. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

CFR Citation: 40 CFR 85

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn due to changes in the program's priorities.	07/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jane Armstrong 313 668-4471

RIN: 2060–AB53

3207. VOLUNTARY AFTERMARKET PART CERTIFICATION REGULATIONS (REVISION)

CFR Citation: 40 CFR 85

Completed:

Reason	Date	FR Cite
Final Action	08/08/89	54 FR 32566

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Michael Sabourin 313 668-4316

RIN: 2060–AB58

3208. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn due to changes in program's priorities.	07/31/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Richard Kozlowski 202 382-2633

RIN: 2060–AB60

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

Superfund (CERCLA)

3209. ● COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT (CERCLA) COST RECOVERY

Significance: Agency Priority

Legal Authority: 42 USC 9604/CERCLA 104; 42 USC 9606/CERCLA 106; 42 USC 9607/CERCLA 107; 42 USC 9613/CERCLA 113; 42 USC 9622/CERCLA 122

CFR Citation: 40 CFR 305

Legal Deadline: None

Abstract: EPA is granted the authority, under CERCLA, to hold potentially responsible parties liable for the cost of cleanup. Consequently it is Agency policy to pursue those potentially responsible parties for costs expended if a cleanup settlement is not reached. As courts gradually resolve the fundamental question of CERCLA liability, PRPs have increasingly focused on the tactic of investigating the documentation supporting EPA's cost recovery program. Rulemaking can be used to identify the specific recoverable costs, the documentation sufficient to prove EPA's case, and the documents that will be available to PRPs. The cost recovery regulation should make the process more efficient. The regulation will at least address the following issues: Direct Costs, Indirect Costs, Recovery of Interest, and Oversight Costs. The selection of alternatives will be influenced primarily by Agency experience. Through consensus building with the work group, positions will be prepared for proposal.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	07/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2702.

FTS:8-475-6771

Agency Contact: Carrie Capuco, Environmental Protection Agency, Solid

Waste and Emergency Response, OS-510, **202 475-6771**

RIN: 2050–AC98

3210. NATIONAL CONTINGENCY PLAN-SUBPART K: A ROADMAP TO THE NCP FOR FEDERAL FACILITIES

Legal Authority: 42 USC 9605 /CERCLA 105; 42 USC 9620 /CERCLA 120

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Subpart K of the NCP, entitled "Federal Facilities", is a roadmap to the entire NCP for Federal facilities. It consolidates in one subpart of the NCP references to the requirements in the other subparts that federal agencies must follow when conducting CERCLA response actions where the release is on, or where the sole source of the release is from, their facility.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2650.

FTS:8-475-9801

Agency Contact: Linda Southerland, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-530), Washington, DC 20460, **202 475-9801**

RIN: 2050–AC76

3211. ● NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 10

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B); 42 USC 9620(d)(2) /CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: None

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency lan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

FTS: 8-202-382-3000

Agency Contact: Martha Otto, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), **202 382-3000**

RIN: 2050–AD01

3212. ADMINISTRATIVE HEARING PROCEDURE FOR SUPERFUND CLAIMS

Legal Authority: 42 USC 9612(b) /CERCLA 112(b)

CFR Citation: 40 CFR 305

Legal Deadline: None

Abstract: Section 112(b)(2) of CERCLA as amended, provides that a person who has made a claim against the Superfund and is dissatisfied with the award by EPA may request an administrative hearing. Such hearings shall be before an administrative law judge. The purpose of this rule would be to establish procedures for conducting administrative hearings. The procedures of this rule would replace the Arbitration procedures, formerly codified at 40 CFR Part 305, revoked as a result of the amendments to section 112.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2498.

FTS:8-382-5734

Agency Contact: Hugo Paul Fleischman, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-5734**

RIN: 2050–AC26

3213. TECHNICAL ASSISTANCE GRANTS TO GROUPS OF INDIVIDUALS AT SUPERFUND SITES

Legal Authority: 42 USC 9617 /SARA 117

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants only at NPL sites. The grants are limited to $50,000 per site and require matching funds. This limit may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/87	52 FR 22244
Interim Final Rule	03/24/88	53 FR 9736
Revised Interim Final Rule	10/00/89	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2401.

FTS:8-382-2443

Agency Contact: Murray Newton, Environmental Protection Agency, Solid Waste and Emergency Response, U.S. Environmental Protection Agency, 401 M St., S.W. (OS-220), Washington, D.C. 20460, **202 382-2443**

RIN: 2050–AC10

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Final Rule Stage

Superfund (CERCLA)

3214. DESIGNATION OF EXTREMELY HAZARDOUS SUBSTANCES AS CERCLA HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This rule will designate 232 non-CERCLA extremely hazardous substances (EHS), as defined in Section 302 of SARA Title III, as hazardous substances pursuant to Section 102 of CERCLA. Currently, only releases of those EHSs that are also CERCLA hazardous substances are required to be reported to the National Response Center under CERCLA Section 103. Upon designation, potential confusion concerning the different SARA Title III and CERCLA requirements will be reduced by ensuring consistent procedures for reporting releases of all EHSs.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3388
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2336.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, D.C. 20460, 202 382-5650

RIN: 2050–AB62

3215. REPORTABLE QUANTITIES (RQS) FOR SUBSTANCES ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 11002 / SARA 302; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This action will adjust the reportable quantities (RQs) for 232 substances on the Extremely Hazardous Substances List, which EPA has proposed for designation as CERCLA hazardous substances. These RQ adjustments will reduce unnecessary reporting of releases to local, State, and Federal officials.

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	54 FR 35968
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2429.

For further information, contact the RCRA/Superfund Hotline (800-424-9346); in the Metropolitan Area (202-382-3000).

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington, DC 20460, 202 382-5650

RIN: 2050–AC14

3216. REPORTING CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: The purpose of this action is to clarify the reduced reporting requirements pursuant to Section 103(f)(2) of CERCLA for facilities that have continuous and stable releases of hazardous substances in amounts at or above their reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12868
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2411.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington, DC 20460, 202 382-2463

RIN: 2050–AA46

3217. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: This regulation will clarify the definition of "federally permitted release" in Section 101(10) of CERCLA. Federally permitted releases of hazardous substances are exempt from reporting under Section 103 of CERCLA and from liability.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268
Supplemental Notice	07/11/89	54 FR 29306
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2394.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, 202 382-2463

RIN: 2050–AB82

3218. PROCEDURES FOR PLANNING AND IMPLEMENTING OFF-SITE RESPONSE ACTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 9604(c)/CERCLA 104(c); 42 USC 9621(d)(3)/CERCLA 121(d)(3); 33 USC 1321(c)(2)/CWA 311(c)(2); 42 USC 9605 /CERCLA 105

CFR Citation: 40 CFR 300.440

Legal Deadline: None

Abstract: This rule interprets and codifies (1) the requirements of Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and (2) the revised off-site policy directive (November 13, 1987). Section 121(d)(3) and the directive describe procedures that must be observed when

a response action funded under CERCLA or using a CERCLA authority involves off-site transfer of CERCLA wastes. Section 121(d)(3) CERCLA specifies that wastes from removal or remedial actions under CERCLA: 1) only be transferred to facilities that are in compliance with Sections 3004 and 3005 of the Resource Conservation and Recovery Act (RCRA), other applicable Federal laws and State laws, and 2) only be transferred to units at hazardous waste land disposal facilities that are not leaking and where releases from other (non-receiving) units at the facility are under a corrective action program.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48218
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2538.

FTS:8-382-4808

Agency Contact: Nancy Browne, Environmental Protection Agency, Solid Waste and Emergency Response, RCRA Enforcement Division (OS-520), 401 M St., S.W., Washington, D.C. 20460, **202 382-4808**

RIN: 2050–AC35

3219. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: NPRM, Statutory, April 17, 1988. Final, Statutory, April 17, 1988. Court-ordered: January 31, 1990

Abstract: The National Contingency Plan (NCP) is the primary regulation directing government and responsible party response to and cleanup of discharges of oil, and releases of hazardous substances, pollutants and contaminants. The Superfund Amendments and Reauthorization Act of 1986 mandated that the NCP be revised within 18 months of the date of enactment to incorporate statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51394
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2400.

FTS-8-475-8406.

Agency Contact: Tod Gold, Environmental Protection Agency, Solid Waste and Emergency Response, OS-240, Washington, DC 20460, **202 475-8406**

RIN: 2050–AA75

3220. HAZARD RANKING SYSTEM FOR UNCONTROLLED HAZARDOUS SUBSTANCE RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(A) /CERCLA 105(a)(8)(A); 42 USC 9605(c) /CERCLA 105(c); 42 USC 9618 /CERCLA 118; 42 USC 9625 /CERCLA 125

CFR Citation: 40 CFR 300

Legal Deadline: Final, Statutory.

Abstract: This action revises the Hazard Ranking System (HRS) which is Appendix A of the National Contingency Plan. The HRS is a system for determining the relative risk among releases of hazardous substances. The HRS is the primary mechanism for establishing the National Priorities List under CERCLA. CERCLA, as amended by the Superfund Amendments and Reauthorization Act of 1986, requires that the HRS be amended to assure, to the extent feasible, that it accurately assesses relative risk to public health and the environment. CERCLA specifically requires that the HRS take into consideration natural resource damages that may affect the human food chain as well as potential air contamination. The HRS must also appropriately assess human health risks associated with contamination of surface waters for drinking or recreation.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/87	52 FR 11513
NPRM	12/23/88	53 FR 51962
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2566.

FTS: 8-382-3000

Agency Contact: Steve Caldwell and Jane Metcalfe, Environmental Protection Agency, Solid Waste and Emergency Response, OS-230, Washington, DC 20460, **202 382-3000**

RIN: 2050–AB73

3221. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 7

Significance: Regulatory Program

Legal Authority: 42 USC 9605 /CERCLA 105; 42 USC 9620 /CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update.

Abstract: This action is the seventh proposed update to the National Priorities List (NPL) for uncontrolled hazardous waste sites that the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23988
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5358.

Superfund/RCRA Hotline 800-424-9346 or in Metropolitan Area 202-382-5000

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-

EPA—CERCLA

Final Rule Stage

230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC16

3222. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 6

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B)/CERCLA 105(a)(8)(B); 42 USC 9620(d)(2)/CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action is the sixth final update to the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	01/22/87	52 FR 2492
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5434.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (382-3000)

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC47

3223. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - RCRA SITES

Significance: Regulatory Program

Legal Authority: 42 USC 9605/CERCLA 105

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action proposes revisions to the National Priorities List (NPL), Appendix B to the National Contingency Plan (NCP). This action is proposed for sites in accordance with the NPL policy concerning sites subject to the Subtitle C corrective action authorities of the Resource Conservation and Recovery Act (RCRA). This action reproposes thirteen RCRA sites there were previously proposed for the NPL and proposes to drop 30 RCRA sites from the proposed NPL.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23978
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5357.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000.

Agency Contact: Henry Stevens, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC48

3224. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 8

Legal Authority: 42 USC 9605(a)(8)(B)/CERCLA 105(a)(8)(B)

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19526
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2667.

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, 401 M St., S.W. (OS-230), Washington, D.C. 20460, 202 382-3000

RIN: 2050–AC81

3225. ● NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES UPDATE 9

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B)

CFR Citation: 40 CFR 300.66; 40 CFR 322

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous wastesites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	54 FR 29920
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2688.

FTS: 8-382-3000

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, OS-230, 202 382-3000

RIN: 2050–AC99

3226. ● NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE (HEALTH ADVISORY SITES)

Significance: Regulatory Program

EPA—CERCLA

Final Rule Stage

Legal Authority: 42 USC 9605(a)(8)(B) /CERCLA 105(a)(8)(B); 42 USC 9620(d)(2) /CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: None

Abstract: This action is a proposed update to the National Priorities List (NPL) for uncontrolled waste sites in the National Contingency Plan (NCP). This update proposes to add two sites to the NPL: Radium Chemical Co., Inc., in Woodside, Queens, New York; Forrest Glen Subdivision in Niagara, New York. CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
NPRM	08/16/89	54 FR 33846
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

FTS: 8-382-3000

Agency Contact: Martha Otto, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), 202 382-3000

RIN: 2050–AD00

3227. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None

Abstract: This action prescribes the forms and procedures for persons other than governments to recover response costs incurred in carrying out the National Contingency Plan.

Timetable:

Action	Date	FR Cite
NPRM	09/13/89	54 FR 37892
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2564.

FTS: 8-382-4645.

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, 202 382-4645

RIN: 2050–AA90

3228. REPORTING HAZARDOUS SUBSTANCES ACTIVITY WHEN TRANSFERRING FEDERAL REAL PROPERTY

Legal Authority: 42 USC 9601/SARA 120

CFR Citation: 40 CFR 373

Legal Deadline: Final, Statutory, April 17, 1988.

Abstract: Section 120(h) of SARA requires that EPA, in consultation with the General Services Administration, promulgate rules which will require the disclosure of the type and quantity of any hazardous substances that have been stored, released or disposed of on federally owned land when such land is sold or otherwise transferred by the United States. This section of SARA also requires that the agencies holding such land provide, at the time of transfer, a covenant warranting that: (1) all remedial actions necessary for protection of human health and the environment have been taken; and (2) any additional action found to be necessary after the transfer will be undertaken by the U.S. EPA is not required to develop rules concerning these latter requirements and is not doing so.

Timetable:

Action	Date	FR Cite
NPRM	01/13/88	53 FR 850
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2464.

FTS:8-475-5647

Agency Contact: Deborah Lebow, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, 202 475-8235

RIN: 2050–AC00

3229. REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9623 / SARA 123; 42 USC 9611(c)(11)

CFR Citation: 40 CFR 310

Legal Deadline: Final, Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/87	52 FR 39386
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2409.

FTS:8-382-3382

Agency Contact: Local Gov't Reimbursement Coordinator, Environmental Protection Agency, Solid Waste and Emergency Response, Solid Waste and Emergency Response, Emergency Response Division(OS-210), Washington, D.C. 20460, 202 382-3382

RIN: 2050–AC11

3230. DELISTING CERTAIN CHEMICALS FROM THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES (REVISION)

Legal Authority: 42 USC 11013 /SARA 302

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: This rule will amend the Title III List of Extremely Hazardous Substances by delisting certain chemicals from the list. Review of the technical background documents indicate that at least one and perhaps other chemicals may not meet the criteria originally established for listing the substances.

EPA—CERCLA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30700
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2674.

FTS:8-382-7912

Agency Contact: Kathleen Bishop, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7912**

RIN: 2050–AC77

3231. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT-TO-KNOW REPORTING REQUIREMENTS; IMPLEMENTATION OF REPORTING REQUIREMENTS FOR INDIAN LANDS

Significance: Regulatory Program

Legal Authority: 42 USC 11011(b)/SARA 311(b); 42 USC 11012(b)/SARA 312(b); 42 USC 11002/SARA 302; 42 USC 11004/SARA 304; 42 USC 11013/SARA 313

CFR Citation: 40 CFR 350; 40 CFR 355; 40 CFR 370; 40 CFR 372

Legal Deadline: None

Abstract: Under Title III of SARA, EPA has authority to establish thresholds below which facilities do not have to report. In the rule published on October 15, 1987, EPA set reporting thresholds for the first two years of reporting. At the same time, the Agency made a commitment to further evaluate the appropriate level for a final threshold. The proposed rule set forth the proposed permanent threshold for reporting as well as proposed amendments to the sections 302, 304, and 313 final rules. The final rule will establish a uniform final reporting threshold for Sections 311 and 312, and will finalize other amendments.

Timetable:

Action	Date	FR Cite
NPRM	03/29/89	54 FR 12992
Interim Final (Reporting Threshold)	10/00/89	
Supplemental Final (Reportable Quantities)	10/00/89	
Supplemental Notice	10/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2644.

FTS:8-472-8353

Agency Contact: Kathleen Brody, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, **202 475-8353**

RIN: 2050–AB88

3232. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS II PENALTIES UNDER CERCLA AND EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9609/11045

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This rule will govern the conduct of administrative hearings for all penalties to be assessed under CERCLA Section 109 and SARA Section 325. The rule provides the procedures for these penalty assessments. The action is expected to have a negligible economic impact on consumers, industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/89	54 FR 21174
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2512.

FTS:8-475-9437

Agency Contact: Sandra Connors, Environmental Protection Agency, Solid Waste and Emergency Response, U.S. Environmental Protection Agency, OECM (LE-134S), Washington, DC 20460, **202 382-3110**

RIN: 2050–AC39

3233. PRIOR NOTICE OF CITIZEN SUITS UNDER CERCLA AND THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9659/SARA 326; 42 USC 11046/CERCLA 310

CFR Citation: 40 CFR 310; 40 CFR 326

Legal Deadline: None

Abstract: These regulations are promulgated under Section 326 of Title III of SARA and Section 310 of CERCLA. They govern the notice required to be given 60 days prior to the filing of a citizen suit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3918
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2615.

FTS:8-382-2860

Agency Contact: Belinda Holmes, Environmental Protection Agency, Solid Waste and Emergency Response, OECM (LE-134S), Washington, DC 20460, **202 382-2860**

RIN: 2050–AC70

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Completed Actions

Superfund (CERCLA)

3234. REPORTABLE QUANTITIES FOR RELEASES OF POTENTIAL CARCINOGENS AND OTHER HAZARDOUS SUBSTANCES

Significance: Regulatory Program

CFR Citation: 40 CFR 117; 40 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	08/14/89	54 FR 33418
Final Action Effective	08/14/89	54 FR 33418

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ivette O. Vega 202 382-2463

RIN: 2050–AA80

3235. REPORTABLE QUANTITIES (RQS) FOR RELEASES OF RADIONUCLIDES

Significance: Regulatory Program

CFR Citation: 40 CFR 302

Completed:

Reason	Date	FR Cite
Final Action	05/24/89	54 FR 22524

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Pamela Harris 202 475-9814

RIN: 2050–AB60

3236. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 5

Significance: Regulatory Program

CFR Citation: 40 CFR 300.66

Completed:

Reason	Date	FR Cite
Final Action	03/31/89	54 FR 13296

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sandra J. Crystall 202 382-3000

RIN: 2050–AC45

3237. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - FEDERAL FACILITY POLICY AND LISTING

Significance: Regulatory Program

CFR Citation: 40 CFR 300.66

Completed:

Reason	Date	FR Cite
Final Action	03/13/89	54 FR 10512

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sandra J. Crystall 202 382-3000

RIN: 2050–AC57

3238. ARBITRATION PROCEDURES FOR SMALL SUPERFUND COST RECOVERY CLAIMS

CFR Citation: 40 CFR 304

Completed:

Reason	Date	FR Cite
Final Action	05/30/89	54 FR 23174

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Janice Linett 202 382-3077

RIN: 2050–AC36

3239. CITIZEN AWARDS FOR INFORMATION ON CRIMINAL VIOLATIONS UNDER SUPERFUND

CFR Citation: 40 CFR 303

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26143

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Keith Onsdorff 202 475-9666

RIN: 2050–AC38

3240. WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

CFR Citation: 40 CFR 311

Completed:

Reason	Date	FR Cite
Final Action	06/23/89	54 FR 26654

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Rodney Turpin 201 321-6741

RIN: 2050–AC12

3241. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS I CIVIL PENALTIES UNDER CERCLA AND THE EMERGENCY PLANNING COMMUNITY RIGHT-TO-KNOW ACT

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn Activity combined with other consolidated efforts.	07/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sandra Connors 202 382-3110

RIN: 2050–AC37

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Proposed Rule Stage

General

3242. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect

since October 9, 1979. It will amend the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

Action	Date	FR Cite
NPRM	01/00/91	
Final Action	01/00/92	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2196.

FTS: 8-475-7799

Agency Contact: Suzanne E. Schwartz, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, 202 475-7799

RIN: 2040–AB20

3243. EVALUATION PROCEDURE FOR AWARD OF FIXED PRICE CONTRACTS FOR COMMERCIAL SUPPLIES AND SERVICES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: The rule will result in the addition of an evaluation procedure to EPA Aquisition Regulation for making award of certain fixed price contracts for commercial supplies or services the procedure will provide for award to the lowest price offeror whose technical proposal meets the minimum needs of the government.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0952.

FTS:8-382-5035

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5035

RIN: 2030–AA09

3244. CONTRACTOR COMPLIANCE WITH INFORMATION RESOURCES MANAGEMENT DIRECTIVES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1510; 48 CFR 1552

Legal Deadline: None

Abstract: This rule will require contractor compliance with Agency directives for contracts involving information resources management. Examples of such contracts include the acquisition or modification of a computer program, data communications, and ADP or word processor equipment or services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0951.

FTS:8-382-5028

P.L. 98-577, Sec. 302

Agency Contact: Edward Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-5028

RIN: 2030–AA10

3245. MISCELLANEOUS DELEGATIONS FROM THE CONTRACTING AUTHORITY

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501; 48 CFR 1503; 48 CFR 1506; 48 CFR 1514; 48 CFR 1515; 48 CFR 1516; 48 CFR 1517; 48 CFR 1522; 48 CFR 1530; 48 CFR 1531; 48 CFR 1532; 48 CFR 1536; 48 CFR 1545

Legal Deadline: None

Abstract: This rule will amend the EPA Aquisition Regulations to reflect delegations made by the head of contracting activity to other aquisition officials for the exercise of various authorities in the acquisition process. Examples include source selection, approval of termination settlements, and approval of award fee plans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0950.

FTS:8-245-3938

P.L. 98-577, Section 302

Agency Contact: Jane Raspberry, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 245-3938

RIN: 2030–AA11

3246. IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION COVERAGE ON RATIFICATION OF UNAUTHORIZED COMMITMENTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501.6

Legal Deadline: None

Abstract: Federal Acquisition Circular 84-33, dated February 8, 1988 amended the Federal Acquisition Regulation to provide coverage on ratification of unauthorized commitments. This rule will delete duplicative FAR information in the EPA Acquisition Regulation, and implement policies and procedures unique to EPA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 0949.

FTS:8-382-5035

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5035**

RIN: 2030–AA12

3247. PAYMENT OF FEE ON TERM FORM CONTRACTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1516; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will address the payment of fees on cost-reimbursable term form contracts. The rule will recommend a change to the current procedure of making provisional payments of fee as a percentage of cost incurred to a method based on the number of direct hours performed in relation to the total level of effort in the contract.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2683.

FTS:8-382-5019

PL 98-577 Section 302

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA15

3248. ● CLAIMING BILLING INFORMATION AS CONFIDENTIAL INFORMATION

Legal Authority: 40 USC 486(c); 63 Stat 390, sec 205(c), as amended

CFR Citation: 48 CFR 1524; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will provide EPA contractors with procedures for claiming billing information submitted to the Agency as Confidential Business Information.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2739.

FTS:8-382-5019

Agency Contact: Joe Nemargut, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5019**

RIN: 2030–AA17

3249. AMENDMENTS TO PART 22 CONSOLIDATED PROCEDURAL RULES

Legal Authority: 7 USC 1361(a); 15 USC 2615(a); 33 USC 1415(a); 42 USC 7545; 42 USC 7601; 42 USC 6928

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: The Agency is proposing technical amendments to the Consolidated Rules of Practice under 40 CFR Part 22. These amendments will include correction of the address to which penalty payments are sent, lengthening the period to file an appeal, and modifying the specified procedures for service of process. The Agency will incorporate other technical amendments in the rules as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2662.

FTS:8-475-8781

Agency Contact: Larry Blackwood, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-133), Washington, DC 20460, **202 475-8781**

RIN: 2020–AA13

3250. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	03/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2195.

FTS: 8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020–AA06

3251. PROCEDURES AND REQUIREMENTS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT FOR THE ENVIRONMENTAL PROTECTION AGENCY'S RESEARCH AND DEVELOPMENT PROGRAM

Legal Authority: 42 USC 4321

CFR Citation: 40 CFR 6.700

Legal Deadline: None

Abstract: This action amends EPA's Environmental Policy Act (NEPA) regulation in 40 CFR Part 6, Subpart G which addresses the environmental review procedures for research and development projects undertaken by EPA's Office of Research and

Development (ORD). The purpose of this rulemaking is to develop procedures for categorically excluding classes of ORD actions having no significant impact on the environment, from the requirement to prepare an environmental assessment (EA) or an environmental impact statement (EIS). The rulemaking also clarifies the criteria under which EPA would be required to prepare an EIS. This rulemaking will enable EPA to focus its resources on assessing research and development projects which have the potential to significantly affect the environment. The revisions are consistent with the Council on Environmental Quality's NEPA regulation in 40 CFR Parts 1500-1508. .SEE ADDITIONAL INFORMATION FOR COMPLETION OF ABSTRACT]

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2536.

FTS:8-382-5905

This action also revises 40 CFR Part 6 Subpart D which addresses NEPA review procedures for public and other agency involvement. The proposed rulemaking would eliminate the current Agency requirement for public notice of EPA's categorical exclusion determinations, except for the Construction Grants projects. This revision would make the regulation consistent with CEQ and other federal agency NEPA regulations.

Agency Contact: Judith Troast, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, **202 382-5905**

RIN: 2030–AA14

ENVIRONMENTAL PROTECTION AGENCY (EPA) Final Rule Stage

General

3252. ENVIRONMENTAL PROTECTION AGENCY ACQUISITION REGULATION (EPAAR); SUBMISSION OF GENERAL FINANCIAL AND ORGANIZATIONAL INFORMATION, AND PURCHASING SYSTEM INFORMATION BY OFFERORS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: General financial and organizational information is only required from offerors in the competitive range. This information does not include information on the offerors purchasing systems. The proposed rule will require that all offerors provide general financial and organizational information, which includes purchasing system information.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7072
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

SAR No. 2551.

FTS:8-382-5028

PL 98-577 Sec. 302

Agency Contact: Edward N. Chambers, Environmental Protection Agency, Administration and Resource Management, PM-214F, **202 382-5028**

RIN: 2030–AA06

3253. ● DATA RIGHTS

Legal Authority: PL 98-377, sec 302

CFR Citation: 48 CFR 1527; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will delete coverage in EPA Aquisition Regulation on data rights that duplicates FAR coverage. EPAAR coverage was issued to insert clauses that FAR did not include at that time. FAR has since included appropriate coverage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2740.

FTS:8-245-3938

Agency Contact: Jane Raspberry, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 245-3938**

RIN: 2030–AA16

3254. ● BILLING REQUIREMENTS FOR EPA CONTRACTORS

Legal Authority: 40 USC 486(c); 63 Stat 390, sec 205(c), as amended

CFR Citation: 48 CFR 1532; 48 CFR 1552

Legal Deadline: None

Abstract: The interim rule will require EPA contractors to include EPA accounting information on payment requests; have the same period of performance for both progress reports and payment requests; and submit duplicate copies of payment requests to EPA project officers and contracting officers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

SAR No. 2738.

8-382-5019

Agency Contact: Joe Nemargut, Environmental Protection Agency,

Administration and Resource Management, Procurement & Contracts Mgmt. Div. (PM-214F), Washington, D.C. 20460, **202 382-5019**

RIN: 2030–AA18

3255. EPCRA INSPECTION AUTHORITY AND PROCEDURES

Legal Authority: 15 USC 11048

CFR Citation: 40 CFR 375

Legal Deadline: None

Abstract: This regulation sets out EPA's authority to inspect under the Emergency Planning and Community Right-to-Know Act (EPCRA). It will also set out EPA's guidelines for conducting these inspections.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2652.

FTS:8-475-8693

Agency Contact: Vincent Giordano, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-134P), Washington, DC 20460, **202 475-8693**

RIN: 2020–AA15

3256. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANCE FROM THE EPA (REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2306
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2218.

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, Office of the Administrator, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2090–AA09

3257. COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Legal Authority: 42 USC 9601 /CERCLA 104(c)

CFR Citation: 40 CFR 31

Legal Deadline: None

Abstract: Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, there are provisions for recovering clean-up costs from responsible parties. In order for the cost recovery provisions to be effective, recipients of Superfund Assistance Agreements must adhere to strict management practices in all aspects of administering the Agreement. Therefore, EPA will issue this regulation to set forth all administrative requirements for Superfund Assistance Agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4132
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: SAR No. 2476.

FTS:8-382-5268

Agency Contact: Richard Johnson, Environmental Protection Agency, Policy Planning and Evaluation, (PM-216F), Washington, DC 20460, **202 382-5296**

RIN: 2010–AA11

ENVIRONMENTAL PROTECTION AGENCY (EPA) Completed Actions

General

3258. NOTICE REQUIREMENTS FOR CITIZEN SUITS UNDER THE SDWA

CFR Citation: 40 CFR 135

Completed:

Reason	Date	FR Cite
Final Action	05/12/89	54 FR 20770

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Randy Hill 202 382-7700

RIN: 2040–AB59

3259. COLLECTION OF CIVIL PENALTIES UNDER TITLE II OF THE TOXIC SUBSTANCES CONTROL ACT, AND THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT

CFR Citation: 40 CFR 22.38

Completed:

Reason	Date	FR Cite
Final Action	06/05/89	54 FR 24112

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Jon Silberman 202 475-3690

RIN: 2020–AA14

[FR Doc. 89-22284 Filed 10-27-89; 8:45 am]

BILLING CODE 6560-50-T

federal register

Monday
October 30, 1989

Part XXIII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR p. 127 (1981 Compilation), and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 1801 L Street NW., Washington, DC 20507; telephone (202) 663-4690.

SUPPLEMENTARY INFORMATION: The Commission identified ten current and projected rulemakings for inclusion in the agenda. Two of the listings have been published as ANPRMs. Two have been published as NPRMs. Four are currently under development or review by Commission staff. One is under review by another agency, and one has been published as a final regulation.

Signed in Washington, DC, this 28th day of August 1989.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3260	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
3261	Early Retirement Plans	3046-AA36
3262	Possible Revisions to Interpretations Relating to Benefits Under Employee Benefit Plans	3046-AA37

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3263	Uniform Guidelines on Employee Selection Procedures	3046-AA00
3264	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
3265	Uniform Guidelines on Employee Selection Procedures	3046-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3266	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
3267	Pension Accruals and Contributions Under ADEA	3046-AA31

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3268	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA30
3269	Tolling of the Statute of Limitations for Private Actions Under the ADEA	3046-AA38

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Prerule Stage

3260. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA22

3261. EARLY RETIREMENT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 628

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The ADEA prohibits discrimination on the basis of age with respect to an employee's compensation, terms, conditions, or privileges of employment. In light of recent amendments to the ADEA and several cases dealing with early retirement, questions have arisen regarding the legality of early retirement plans in general and of specific plans. Since the use of early retirement has expanded greatly in recent years, the Commission deems it appropriate to consider the issuance of regulatory guidance in the area. The ANPRM seeks comment on issues such as voluntariness, plan structuring and eligibility to participate.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26789
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA36

3262. POSSIBLE REVISIONS TO INTERPRETATIONS RELATING TO BENEFITS UNDER EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: The current interpretive regulations at 29 CFR 1625.10 were framed in 1979. Since that time the ADEA has been amended in a manner that necessitates considering revisions to the regulations, for example, the addition of sec. 4(g) to the Act and the lifting of the age 70 cap. Accordingly, the Commission requested public comment to determine whether revisions are necessary and, if so, the nature and scope of any such revision. The continuing viability of this project will be assessed in light of the Supreme Court's decision in Retirement System of Ohio v. Betts, 57 U.S.L.W. 4931 (June 20, 1989).

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26788
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA37

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Proposed Rule Stage

3263. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under EO 12067.

EEOC **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA24.

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4669**

RIN: 3046–AA00

3264. ● EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1614, (Proposed)

Legal Deadline: None

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
Commission vote to approve NPRM for circulation to OMB	05/22/89	
Issuance sent to OMB for review	05/24/89	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, **202 663-4669**

RIN: 3046–AA11

3265. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00, Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046–AA24

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Final Rule Stage

3266. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under EO 12067, DOJ under EO 12250, and from OMB under EO 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under EO 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under EO 12250.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA10

3267. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

EEOC — Final Rule Stage

Legal Deadline: Final, Statutory, February 1, 1988.
Rule will be completed when the Department of the Treasury completes its regulatory review.

Abstract: Regulations, as may be necessary, to carry out congressional enactments regarding pension accruals and contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	11/27/87	52 FR 45360
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Completed Actions

3268. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Significance: Agency Priority

CFR Citation: 29 CFR 1615

Completed:

Reason	Date	FR Cite
Final Action	05/26/89	54 FR 22742
Final Action Effective	05/26/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton **202 663-4690**

RIN: 3046–AA30

3269. ● TOLLING OF THE STATUTE OF LIMITATIONS FOR PRIVATE ACTIONS UNDER THE ADEA

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1626.15(b)

Legal Deadline: None

Abstract: Interpretation of the ADEA holding that when the Commission engages in 7(b) conciliation, the statute of limitations is tolled for private litigants.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10025
NPRM Comment Period End	04/10/89	
Final Action	08/15/89	54 FR 33501
Final Action Effective	09/14/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 663-4690**

RIN: 3046–AA38

[FR Doc. 89-21737 Filed 10-27-89; 8:45 am]
BILLING CODE 6570-01-T

federal register

Monday
October 30, 1989

Part XXIV

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 "Federal Regulations," the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1989, to March 31, 1990.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact Susan Kantor Bank, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3973. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulations" directs each executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 *et seq.*

In fulfillment of requirements imposed by the Executive order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations and regulations which will be under review during the period April 1, 1989, to March 31, 1990. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published April 24, 1989, at 54 FR 17344.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

Dated: August 28, 1989.

George W. Watson,

Acting General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3270	Federal Emergency Management Agency Acquisition Regulations	3067-AB40

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3271	Nondiscrimination in Federally-Assisted Programs	3067-AA00
3272	National Security Policy Guidance Governing the Scientific and Engineering Workforce	3067-AA43
3273	Individual and Family Grant Program Changes	3067-AA64
3274	Review and Approval of State and Local Emergency Response Plans	3067-AA76
3275	Radiological Emergency Planning and Preparedness	3067-AA77
3276	Flood Insurance Rating System Changes	3067-AA98
3277	Comprehensive Cooperative Agreement (CCA) Policies, Procedures, and Associated Programs	3067-AB18
3278	National Flood Insurance Program Changes for Structures on Land Subject to Imminent Collapse or Subsidence	3067-AB42
3279	Temporary Housing Assistance	3067-AB43
3280	National Flood Insurance Program (NFIP) Criteria for Evaluating Coastal Flood Control Structures and Other NFIP Changes	3067-AB44
3281	Disaster Assistance; Hazard Mitigation Planning	3067-AB45
3282	Protection of Essential Resources and Facilities	3067-AB46
3283	Use of Civil Defense Personnel, Materials, and Facilities for Natural Disaster Purposes	3067-AB48
3284	National Flood Insurance Program: Deductible Provisions	3067-AB50
3285	National Defense Executive Reserve Guidance	3067-AB51
3286	Federal Crime Insurance Program Increase	3067-AB53
3287	Individual and Family Grant Programs	3067-AB54

FEMA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3288	Emergency Health and Medical Occupations	3067-AA38
3289	Civil Defense: State and Local Emergency Management Assistance Program (EMA)	3067-AB14
3290	Nondiscrimination in Federally Assisted Programs on the Basis of Age	3067-AB16
3291	National Flood Insurance Program Elevation Requirements for Manufactured Homes	3067-AB25
3292	National Flood Insurance Program Changes	3067-AB32
3293	Graduated Mobilization Response	3067-AB35
3294	Disaster Assistance	3067-AB37
3295	Disaster Assistance, Hazard Mitigation Grant Program	3067-AB41
3296	Predesignation of Nonindustrial Facilities for National Security Emergency Use	3067-AB47
3297	Radiological Emergency Program: User Fees	3067-AB49
3298	Individual Assistance Programs Other Than the Individual and Family Grant Program	3067-AB52
3299	Great Lakes Planning Assistance	3067-AB56

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3300	Permanent Relocation Assistance	3067-AA84
3301	Criteria for Hurricane Preparedness Assistance to State and Local Governments	3067-AB11
3302	Federal Crime Insurance Program Rate Increase	3067-AB33
3303	Commercial Nuclear Power Plants; Emergency Preparedness Planning	3067-AB39

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

3270. FEDERAL EMERGENCY MANAGEMENT AGENCY ACQUISITION REGULATIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 44

Legal Deadline: None

Abstract: The parts of the FEMAAR affected by this revision relate to unsolicited proposals, formal source selection, handicapped discrimination, protests to the agency, and rights to technical data and computer software. These sections have been revised to set forth internal procedures or to conform to revisions to the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
Begin Review	03/01/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Christine A. Makris, Chief, Policy & Evaluation Division, Office of Acquisition Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3743**

RIN: 3067–AB40

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Proposed Rule Stage

3271. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The notice of proposed rulemaking will be issued as

soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	11/01/90	
NPRM Comment Period End	01/01/91	
Final Action	12/01/91	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Katherine H. Shannon, Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3962

RIN: 3067–AA00

3272. ● NATIONAL SECURITY POLICY GUIDANCE GOVERNING THE SCIENTIFIC AND ENGINEERING WORKFORCE

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 324

Legal Deadline: None

Abstract: Provides policy guidance for Federal departments and agencies governing the availability and utilization of scientific and engineering workforce to meet Federal Government needs during a national security emergency.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Interim Final Rule	12/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry Hyatt, Physical Scientist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3567

RIN: 3067–AA43

3273. INDIVIDUAL AND FAMILY GRANT PROGRAM CHANGES

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: The following revisions to the regulations are being considered: establishing a group flood insurance policy for all IFG recipients for each flood declaration; reduce the application period for IFG assistance; change references to obsolete forms; reduce the amount of applicant recordkeeping required by States; revise the formula for calculating State administrative costs; include guidance on current IG audit report procedures, and revise the requirements for the IFG State administrative plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donna M. Dannels, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3662

RIN: 3067–AA64

3274. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC app. 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Craig S. Wingo, Chief, Technological Hazards Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3026

RIN: 3067–AA76

3275. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Updates regulations which set out Federal Agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Craig S. Wingo, Chief, Technological Hazards Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3026

RIN: 3067–AA77

3276. FLOOD INSURANCE RATING SYSTEM CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: National Flood Insurance Program premium rating system changes under consideration include a community rating system and a system to use revised FIRMs producing higher rates for existing policyholders, subject to a rate cap. The community rating system would be designed to recognize circumstances within local communities that mitigate or exacerbate the flooding risk, such as the inaction of a community in addressing flood problems or the performance of a community that goes beyond minimum NFIP floodplain management requirements. The use of revised FIRMs for existing policyholders would replace the current practice of allowing premium rates for such policyholders to be based on the map in existence at the time of construction so long as the

construction met the requirements at that time.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24482
ANPRM Comment Period End	08/31/87	
NPRM	06/01/90	
NPRM Comment Period End	07/31/90	
Final Action	09/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Francis V. Reilly, Deputy Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2782**

RIN: 3067–AA98

3277. COMPREHENSIVE COOPERATIVE AGREEMENT (CCA) POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None

Abstract: The comprehensive aspect of the CCA process itself was not created by legislation or even by regulation; Presidential emphasis on grants consolidation and FEMA policy on integrating programs created the CCA. The cooperative agreement aspect of the CCA process is based on PL 95-224, the Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each CCA are aimed at stimulating public purposes, primarily civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portion of CCA programs and assistance dollars, and is therefore the major legislative authority underpinning the CCA process. Various Civil Preparedness Guides, primarily CPG 1-38 and CPG 1-3 address the CCA process and associated programs. However, a regulation would provide complete notice to States and interested parties and complete the policy and procedural requirements identified by the Office of General Counsel. Specific quantitative estimates cannot be cited.

Timetable:

Action	Date	FR Cite
Interim Final Rule Public comment period end	10/01/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Nancy J. Holt, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3505**

RIN: 3067–AB18

3278. NATIONAL FLOOD INSURANCE PROGRAM CHANGES FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

Legal Authority: 42 USC 4002 et seq; EO 23227

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Legal Deadline: None

Abstract: Section 544 of the Housing and Community Development Act of 1987 provided a new benefit to National Flood Insurance Program policyholders: Payment for demolition or relocation of an insured structure if it is located "along the shore of a lake or other body of water and is certified by appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels." FEMA published interim regulations on this subject on September 23 and November 2, 1988, and commissioned an investigation through the National Academy of Sciences to provide a basis for further regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	07/31/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067–AB42

3279. TEMPORARY HOUSING ASSISTANCE

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 206.101

Legal Deadline: None

Abstract: Revisions to the method of providing assistance being considered would require revision to those sections of the regulations covering the types of assistance available, particularly the home repairs and rental assistance. Another change is the removal of the provision for State governments to administer the program.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	
NPRM Comment Period End	02/28/90	
Final Action	05/31/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: F. Scott Martin, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3650**

RIN: 3067–AB43

3280. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) CRITERIA FOR EVALUATING COASTAL FLOOD CONTROL STRUCTURES AND OTHER NFIP CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 65

Legal Deadline: None

Abstract: Regulations will be developed defining criteria for evaluating the effectiveness of coastal flood control structures in preventing or reducing 100-year flooding or damage. The criteria will be used to determine whether

FEMA **Proposed Rule Stage**

areas protected by such structures will be included in, or excluded from, Special Flood Hazard Area designations and/or Coastal High Hazard Area (V-zone) designations on Flood Insurance Rate Maps prepared for the National Flood Insurance Program. The criteria will be based on the results of a special study by the U.S. Army Corps' Coastal Engineering Research Center entitled "Development of Criteria for Evaluating Coastal Flood Control Structures." Other changes to NFIP regulation, including changes to the standard flood insurance policy, are being considered.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	
NPRM Comment Period End	02/13/90	
Final Action	05/28/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067–AB44

3281. DISASTER ASSISTANCE; HAZARD MITIGATION PLANNING

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; PL 100-707

CFR Citation: 44 CFR 206.100

Legal Deadline: None

Abstract: This proposed rule addresses hazard mitigation planning requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Planning requirements with the section 404 Hazard Mitigation Grant Program and other hazard mitigation programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Final Action	02/15/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Patricia Stahlschmidt, Mitigation Assistance Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3678

RIN: 3067–AB45

3282. PROTECTION OF ESSENTIAL RESOURCES AND FACILITIES

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 335

Legal Deadline: None

Abstract: Provides policy and guidance for Federal departments and agencies on how to carry out their responsibilities for national assets protection under section 204 of Executive Order 12656.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32350
NPRM Comment Period End	10/06/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry Hyatt, Physical Scientist, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3567

RIN: 3067–AB46

3283. ● USE OF CIVIL DEFENSE PERSONNEL, MATERIALS, AND FACILITIES FOR NATURAL DISASTER PURPOSES

Legal Authority: 50 USC App. 2253

CFR Citation: 44 CFR 312.5

Legal Deadline: None

Abstract: This rule amends the use of civil defense personnel in time of natural disasters.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Gilboy, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3507

RIN: 3067–AB48

3284. ● NATIONAL FLOOD INSURANCE PROGRAM: DEDUCTIBLE PROVISIONS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: Regulations will establish a lower deductible for any group flood insurance policy issued by the National Flood Insurance Program as it relates to Federal disaster assistance provided under the Individual and Family Grant Program after a Presidential disaster declaration has been made.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067–AB50

3285. ● NATIONAL DEFENSE EXECUTIVE RESERVE GUIDANCE

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 337

Legal Deadline: None

Abstract: Provides guidance and procedures for those Federal departments and agencies delegated authority under Executive Order 11179 to sponsor reserve units under National Defense Executive Reserve Program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Interim Final Rule	01/00/90	

FEMA

Proposed Rule Stage

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Linda Matticks, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-2703**

RIN: 3067–AB51

3286. ● FEDERAL CRIME INSURANCE PROGRAM INCREASE

Legal Authority: 12 USC 1749bbb et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: A Federal Crime Insurance Program premium rate increase is planned.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	
NPRM Comment Period End	03/01/90	
Final Action	03/30/90	
Final Action Effective	04/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. DeHenzel, Chief, Urban Property Operations, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3440**

RIN: 3067–AB53

3287. ● INDIVIDUAL AND FAMILY GRANT PROGRAMS

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 206.131 (Subpart E of Part 206)

Legal Deadline: None

Abstract: The IFG program will be revised in several areas, some of which are required as a result of passage of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Some of the areas to be revised are flood insurance and floodplain management requirements, revision of the maximum award to $10,000 and elimination of advance of the State's share.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	
NPRM Comment Period End	12/01/89	
Final Action	12/30/89	
Final Action Effective	01/30/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Interim rules to implement the Stafford Act were published on March 21, 1989. Comments received as a result of that publication will be considered along with comments received as a result of this proposed rule, and both will be incorporated into a final rule.

Agency Contact: Donna Dannels, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3662**

RIN: 3067–AB54

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

3288. ● EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; 50 USC App 2251 et seq; EO 12656

CFR Citation: 44 CFR 325

Legal Deadline: None

Abstract: Identifies those medical occupations and skills for which there will be a critical need in time of a national security emergency.

Timetable:

Action	Date	FR Cite
NPRM	07/21/89	54 FR 30565
NPRM Comment Period End	09/20/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Victor Esch, Health Resources Manager, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3062**

RIN: 3067–AA38

3289. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Legal Authority: 50 USC app 2253; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None

Abstract: Changes within existing regulation to delete one allocation formula factor.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32140
NPRM Comment Period End	10/26/87	52 FR 32140
Interim Final Rule	10/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John McKay, Assistant Associate Director for Civil Defense, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4252**

RIN: 3067–AB14

3290. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS ON THE BASIS OF AGE

Legal Authority: 42 USC 6103

CFR Citation: 44 CFR 7, Subpart E

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	01/14/88	53 FR 922
NPRM Comment Period End	03/14/88	53 FR 922
Final Action	03/15/90	
Final Action Effective	05/15/90	

Small Entities Affected: None

FEMA — **Final Rule Stage**

Government Levels Affected: Local, State

Agency Contact: Alan Clive, Equal Employment Manager, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3957**

RIN: 3067–AB16

3291. NATIONAL FLOOD INSURANCE PROGRAM ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60

Legal Deadline: None

Abstract: Revisions to National Flood Insurance Program regulations regarding the elevation of manufactured homes placed in existing mobile home parks and subdivisions in special flood hazard areas that were effective October 1, 1986, were suspended effective June 30, 1987. There are three possible options: (1) lifting the suspension so that the October 1, 1986, revisions go back into effect; (2) continuing the suspension indefinitely; or (3) making some revisions different from the October 1, 1986 revisions. Option (3) is the option that was chosen in the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	05/19/89	54 FR 21888
NPRM Comment Period End	07/18/89	
Final Action	10/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Michael F. Robinson, Chief, Program Policy & Compliance Div., Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2716**

RIN: 3067–AB25

3292. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 65; 44 CFR 72

Legal Deadline: None

Abstract: Possible changes to the National Flood Insurance Program regulations include minor modifications to the definitions of the terms "substantial improvement" and "new construction," providing for mapping on the basis of future conditions, clarifying the use of alternative hydraulic or hydrologic methodologies in requests for map revisions, specifying requirements for requests for map revisions for alluvial fan areas, and adjustment of the labor rate charged for processing requests for conditional approval of map changes.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9523
NPRM Comment Period End	05/08/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles M. Plaxico, Chief, Regulations & Underwriting Division, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3422**

RIN: 3067–AB32

3293. GRADUATED MOBILIZATION RESPONSE

Significance: Regulatory Program

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 334

Legal Deadline: None

Abstract: Provides policy and guidance to Federal departments and agencies on the Graduated Mobilization Response system. The Graduated Mobilization Response system is part of the National Security Emergency Preparedness program of planning mobilization actions that will permit a timely reaction to early warning indicators. Graduated Mobilization Response policy guidance is to be incorporated in department and agency mobilization preparedness planning.

Timetable:

Action	Date	FR Cite
NPRM	06/08/89	54 FR 24570
NPRM Comment Period End	08/07/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Richard F. Marilley, Senior Planning Officer (Policy), Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3003**

RIN: 3067–AB35

3294. DISASTER ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 5121 et seq; PL 100-707

CFR Citation: 44 CFR 206

Legal Deadline: Other, Statutory, May 23, 1989.

Abstract: This interim rule will cover certain aspects of the disaster relief program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended): individual assistance, public assistance, fire suppression assistance, community disaster loans, and hazard mitigation planning. Based on comments received during a 60-day period while the rule is effective, a final rule will also be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/21/89	54 FR 11610
Final Action	05/19/89	
Final Action Effective	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Gregg Chappell, Assistant Associate Director, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3615**

RIN: 3067–AB37

3295. DISASTER ASSISTANCE, HAZARD MITIGATION GRANT PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; 33 USC 426p note; PL 100-707

CFR Citation: 44 CFR 206

FEMA **Final Rule Stage**

Legal Deadline: Final, Statutory, May 23, 1989.

Abstract: This interim rule implements section 404 of the Robert T. Stafford Relief and Emergency Assistance Act (PL 93-288, as amended). The document provides requirements and establishes general procedures for administration of the Hazard Mitigation Grant Program. Based on comments received during a 60-day period while the rule is effective, a final rule will also be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/22/89	54 FR 22173
Final Action	10/31/89	
Final Action Effective	11/30/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Patricia Stahlschmidt, Mitigation Assistance Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3678**

RIN: 3067–AB41

3296. ● PREDESIGNATION OF NONINDUSTRIAL FACILITIES FOR NATIONAL SECURITY EMERGENCY USE

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 336

Legal Deadline: None

Abstract: Provides policy and procedural guidance to assist the Federal departments and agencies in the development of plans for the predesignation and assignment of nonindustrial facilities to ensure that emergency requirements can be met in time of national emergency.

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 26213
NPRM Comment Period End	08/21/89	
Final Action	10/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry Hyatt, Physical Scientist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3567**

RIN: 3067–AB47

3297. ● RADIOLOGICAL EMERGENCY PROGRAM: USER FEES

Legal Authority: 31 USC 9701; EO 12657; EO 12148

CFR Citation: 44 CFR 353

Legal Deadline: None

Abstract: The proposed regulation sets out fees charged for site specific radiological emergency planning and preparedness rendered by the Federal Emergency Management Agency.

Timetable:

Action	Date	FR Cite
NPRM	09/11/89	54 FR 27390
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vernon Adler, Acting Chief, Program Development Branch, Technological Hazards Division, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3348**

RIN: 3067–AB49

3298. ● INDIVIDUAL ASSISTANCE PROGRAMS OTHER THAN THE INDIVIDUAL AND FAMILY GRANT PROGRAM

Significance: Agency Priority

Legal Authority: PL 93-288, as amended by PL 100-707; 42 USC 5121, et seq.

CFR Citation: 44 CFR 206.141; 44 CFR 206.151; 44 CFR 206.161; 44 CFR 206.164; 44 CFR 206.171; 44 CFR 206.181; 44 CFR 206.191

Legal Deadline: None

Abstract: Subpart F covers the following programs, which will be revised in a final rule to accommodate passage of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: disaster unemployment assistance, food commodities, disaster legal services, crisis counseling assistance and training, use of gifts and bequests for disaster assistance purposes, and duplication of benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/21/89	54 FR 11610
Final Action	12/30/89	
Final Action Effective	01/30/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Agnes Mravcak, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3660**

RIN: 3067–AB52

3299. ● GREAT LAKES PLANNING ASSISTANCE

Significance: Agency Priority

Legal Authority: PL 100-707, Title II

CFR Citation: 44 CFR 207

Legal Deadline: Final, Statutory, May 23, 1989.

Abstract: This interim rule implements Title II of PL 100-707, the Great Lakes Planning Assistance Act. The rule provides requirements and establishes general procedures for administration of one-time grants to Great Lakes States. Based on comments received during a 60-day period while the rule is effective, a final rule will also be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/21/89	54 FR 16108
Final Action	10/15/89	
Final Action Effective	10/15/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Karen Helbrecht, Mitigation Assistance Programs Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3358**

RIN: 3067–AB56

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

3300. PERMANENT RELOCATION ASSISTANCE

Significance: Regulatory Program

CFR Citation: 44 CFR 221

Completed:

Reason	Date	FR Cite
Final Action	03/23/89	54 FR 11950
Final Action Effective	04/24/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles D. Robinson 202 646-3805

RIN: 3067–AA84

3301. CRITERIA FOR HURRICANE PREPAREDNESS ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

CFR Citation: 44 CFR 362

Completed:

Reason	Date	FR Cite
Merged with 3067-AB37	08/25/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Dennis Kwiatkowski 202 646-2858

RIN: 3067–AB11

3302. FEDERAL CRIME INSURANCE PROGRAM RATE INCREASE

CFR Citation: 44 CFR 83

Completed:

Reason	Date	FR Cite
Final Action	08/01/89	54 FR 31681
Final Action Effective	09/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. DeHenzel 202 646-3440

RIN: 3067–AB33

3303. ◉ COMMERCIAL NUCLEAR POWER PLANTS; EMERGENCY PREPAREDNESS PLANNING

Significance: Agency Priority

Legal Authority: 50 USC App. 2251 et seq; 44 USC 5121 et seq.; 31 USC 9701; EO 12657

CFR Citation: 44 CFR 352

Legal Deadline: None

Abstract: The rulemaking adopts in final form Part 352 in Title 44 CFR Emergency Management and Assistance, Chapter 1, Subchapter E Preparedness. This part concerns licensee certification and FEMA determinations, and provision of Federal assistance for offsite radiological emergency planning and preparedness for commercial nuclear power plants under Executive Order 12657. This part responds to a requirement in section 6(a) of the order that FEMA issue directives and procedures to implement the order. This part is intended to ensure that plans and procedures are in place to respond to radiological emergencies at commercial nuclear power plants under construction or in operation.

Timetable:

Action	Date	FR Cite
Final Action	08/02/89	54 FR 31920
Final Action Effective	09/01/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Craig S. Wingo, Chief, Technological Hazards Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, 202 646-3026

RIN: 3067–AB39

[FR Doc. 89-21738 Filed 10-27-89; 8:45 am]

BILLING CODE 6718-01-T

federal register

Monday
October 30, 1989

Part XXV

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six-month period from October 1989 to April 1990. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW., Washington, DC 20427, (202) 653-5305.

Dated: August 16, 1989.

Robert P. Baker,

Acting Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Final Rule Stage

3304. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR 1404. The Service has completed its initial draft and is presently analyzing comments received. A final rule will be published soon.

Timetable:

Action	Date	FR Cite
NPRM	04/20/88	53 FR 12952
NPRM Comment Period End	06/30/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, DC 20427, 202 653-5305

RIN: 3076–AA01

[FR Doc. 89-21739 Filed 10-27-89; 8:45 am]

BILLING CODE 6732-01-T

federal register

Monday
October 30, 1989

Part XXVI

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, 105, 201, 301, 302, 303, and 304

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1989. This agenda was developed under the guidelines in OMB Bulletin 89-12, dated July 5, 1989. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Correspondence Management Branch, (202) 566-0666.

SUPPLEMENTARY INFORMATION: None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291 "Federal Regulations."

Dated: August 23, 1989.

Richard G. Austin,

Acting Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3305	Negotiated Disposal of Personal Property	3090-AD29
3306	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3307	Nondiscrimination on the Basis of Race, Color, National Origin, and where applicable, sex	3090-AC49
3308	Federal Property Management Regulations; Annual Real Property Inventories	3090-AC74
3309	Government Wide Real Property Asset Management	3090-AD43

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3310	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3311	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3312	NonFederal Interim Use of Real Property	3090-AD58
3313	Federal Travel Regulation (FTR), Amendment Mileage Allowance	3090-AD49
3314	Federal Travel Regulation (FTR), Amendment Worldwide Per Diem Allowances	3090-AD52
3315	Federal Property Management Regulation Part 101-17, Assignment and Utilization of Space	3090-AD42

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3316	General Services Administration Acquisition Regulation (GSAR); Authorizing Payment by Credit Card Under GSA Schedule Contracts, GSAR Notice No. 5-272	3090-AD61
3317	General Services Administration Acquisition Regulation (GSAR) Bonds, Proposed rule, GSAR Notice No. 5-244	3090-AD67
3318	General Services Administration Acquisition Regulation (GSAR); Procurement Integrity, AC-89-2 (5-276)	3090-AD69
3319	General Services Administration Acquisition Regulation (GSAR); Congressional Notification of Contract Awards, CHGE 63, (5-184)	3090-AD70
3320	Specifications, Standards, Purchase Descriptions and Acquisition of Commercial Products, GSAR Reissuance and Revision (5-230)	3090-AD74
3321	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3322	Outline for Explanatory Statements for Negotiated Sales	3090-AD32
3323	Temporary Modification of Procedures for Making Federal Real Property Available to the Homeless	3090-AD55
3324	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3325	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3326	Submission of Paid Freight Bills/Invoices, CBL's, GTR's Passenger Coupons, and Supporting Documentation Covering Transportation Services Under Cost-Reimbursement Contracts	3090-AD35
3327	Federal Travel Regulation (FTR), Amendment CONUS Per Diem Allowances	3090-AD44
3328	FPMR Temp. Reg. A-33, Supp.1 Federal and State Tax Tables for Calculating 1989 Relocation Income Tax Allowance Payments	3090-AD45
3329	Federal Travel Regulation (FTR), Amend Premium Class Air Accommodations	3090-AD46

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3330	Federal Travel Regulation (FTR) Amendment; Permanent Codification of Temporary Regulations and an Interim Rule	3090-AD47
3331	FPMR Temp. Reg. A-34, Supp. 1 Limiting Travel Advances	3090-AD48
3332	FPMR Temp. Reg. A-32, Supplement 1 Allowances for Presidential Transition Team Personnel Appointed to Government Service	3090-AD50
3333	FPMR Amendment G Change to Subchapter G -- Transportation and Motor Vehicles	3090-AD51
3334	Federal Travel Regulation (FTR) Amendment; Congressional Reporting Requirement	3090-AD53
3335	Submission of Transportation Vouchers	3090-AD54
3336	Federal Travel Regulation (FTR) Amendment; Residence Transactions	3090-AD57
3337	Update of Governmentwide Telecommunications Policies and Regulations	3090-AB08
3338	Establishment of Policies and Procedures for Federal Agencies' Management of Electronic Recordkeeping, Project 86.83A	3090-AC54
3339	Implementation of Title VIII, Paperwork Reduction Reauthorization Act of 1986, P.L. 99-500 Regarding Automatic Data Processing Equipment	3090-AD03
3340	FIRMR Improvement Project	3090-AD04
3341	Update Regulations Regarding FTS 2000 Usage (FIRMR Interim Rule 1)	3090-AD20
3342	Restructuring and Simplification of Federal Information Resources Management Standards	3090-AD21
3343	Information Resources Management Reviews Codification Amendment for FIRMR Temporary Regulation 10	3090-AD22
3344	Implement Legislation to Accommodate the Hearing Impaired	3090-AD36
3345	Revisions of FIRMR Policies to Simplify the Procurement Process	3090-AD38

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3346	General Services Administration Acquisition Regulation Change Subpart 46.7 (GSAR 5-91)	3090-AB82
3347	Miscellaneous Changes on the Acquisition of Leasehold Interests in Real Property (GSAR 5-155)	3090-AC59
3348	Multiyear Contracts and Contracts with Options (GSAR 5-106)	3090-AC68
3349	General Services Administration Acquisition Regulation (GSAR) Proposed Rule, Utility Contracts, GSAR Case 5-65	3090-AD10
3350	General Services Administration Acquisition Regulation; Economic Price Adjustment Clause for Multiple Award Schedule Contracts, CHGE 61, 5-268	3090-AD40
3351	General Services Administration Acquisition Regulation; Inspection of Supplies, CHGE 64, 5-173	3090-AD41
3352	General Services Administration Acquisition Regulation; Improper Business Practices and Personal Conflicts of Interest, GSAR Reissuance and Revision (5-221)	3090-AD56
3353	General Services Administration Acquisition Regulation; Contractor's Report of Orders Received Clause for GSA Schedule Contracts, GSAR Reissuance and Revision (5-115)	3090-AD59
3354	General Services Administration Acquisition Regulation; Contractor Qualifications; Solicitations Provisions and Contract Clauses, GSAR Reissuance and Revision (5-227)	3090-AD60
3355	General Services Administration Acquisition Regulation; (CHG 60) Availability of GSA Form 3501 Concerning Solicitation Provisions and Appendix A Concerning Contracting Office Assignment Codes	3090-AD62
3356	General Services Administration Acquisition Regulation (GSAR); Debarment, Suspension, and Ineligibility, GSAR Reissue and Revision (APD 2800.12A)	3090-AD63
3357	General Services Administration Acquisition Regulation (GSAR); Foreign Acquisition, GSAR Reissuance and Revision (ADP 2800.12A) (5-242)	3090-AD64
3358	General Services Administration Acquisition Regulation (GSAR); Prompt Payment Act, CHGE 62 (5-208)	3090-AD65
3359	General Services Administration Acquisition Regulation; Publicizing and Response Times, GSAR Reissue and Revision (5-223)	3090-AD66
3360	General Services Administration Acquisition Regulation (GSAR); Bid samples, GSAR Reissuance and Revision (APD 2800.12A) (5-233 and 5-234)	3090-AD68
3361	General Services Administration Acquisition Regulation (GSAR); Construction Contract Modifications, Proposed Rule, GSAR Notice No. 5-255	3090-AD71
3362	General Services Administration Acquisition Regulation (GSAR); Reissuance and Revision; Final Rule	3090-AD72
3363	General Services Administration Acquisition Regulation (GSAR); Legal Review, Change 65, (5-266)	3090-AD73
3364	General Services Administration Acquisition Regulation (GSAR); Acquisition Circular Ac-89-1, Implementation of Prompt Payment Act Amendments of 1988, (5-271)	3090-AD75
3365	Revision of Standard Form 1170, Redemption of Unused Tickets	3090-AD13
3366	Use of Electronic Data Interchange to Document and Pay Transportation Bills	3090-AD27
3367	Submission of Paid Freight Bills/Invoices, CBL's, GTR's, Passengers Coupons, and Supporting Documentation Covering Transportation Services Under Cost-Reimbursement Contracts	3090-AD35

GENERAL SERVICES ADMINISTRATION (GSA)

Prerule Stage

FEDERAL SUPPLY AND SERVICES

3305. NEGOTIATED DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(e)

CFR Citation: 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46

Legal Deadline: None

Abstract: This regulation will implement the personal property sales provisions and reporting requirements of the Federal Managements of the Federal Property Management Improvement Act of 1988. There should be no significant costs to the public as a result of this rule. The rule will significantly reduce time and workload in preparing reports to Congress and improve the efficiency and effectiveness of personal property sales by expanding on negotiated sales procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley M. Duda, Director, Property Management Division (FBP), General Services Administration, Washington, DC 20406, 703 557-1240

RIN: 3090–AD29

OFFICE OF ORGANIZATION AND PERSONNEL

3306. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement the above cited laws. These statutes prohibit discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposed rule has been circulated internally and externally for comments. Comments have been received from the Equal Employment Opportunity Commission. We are still waiting for the Department of Justice's approval and comment on the regulation. Employment Opportunity Commission. The Department of Justice's comments on regulation with respect to GSA's role as the Federal Government landlord have been received. Comments regarding the program portion of the regulation have not been received. Comments regarding the program portion of the regulation were received on June 4, 1987 from the Department of Justice (DOJ). Reconciling of comments with Public Building Services and DOJ is presently occurring.

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (CTC), General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090–AC48

3307. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090–AC49

PUBLIC BUILDINGS SERVICE

3308. FEDERAL PROPERTY MANAGEMENT REGULATIONS; ANNUAL REAL PROPERTY INVENTORIES

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation will be reviewed and updated in light of the governmentwide space reduction and utilization improvement initiatives mandated in Executive Order 12411--Government Work Space Management Reform--and FPMR Temporary Regulation D-73-- Quality Workplace Environment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: James M. Cayce, Director, Governmentwide Policy Div., General Services Administration, Office of Governmentwide Real Property, Policy and Oversight (PG), Washington, DC 20405, 202 566-0507

RIN: 3090–AC74

3309. ● GOVERNMENT WIDE REAL PROPERTY ASSET MANAGEMENT

Legal Authority: 40 USC 486(c)

GSA

Prerule Stage

CFR Citation: 41 CFR 16; 41 CFR 17; 41 CFR 47

Legal Deadline: None

Abstract: This regulation is being issued for the purpose of requiring Executive agencies to institute policies and procedures to preserve and protect Federal real property assets. This regulation will not produce a major impact on the economy, and its potential benefits out weigh potential costs. The regulation now primarily affects those Federal agencies for whom GSA provides office space and related facilities. As the regulation is developed, it will affect agency controlled and GSA controlled real property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: James M. Cayce, Director, Governmentwide Policy Division, General Services Administration, Relations - PG, Washington, DC 20405, **202 566-0507**

RIN: 3090–AD43

GENERAL SERVICES ADMINISTRATION (GSA)

Proposed Rule Stage

ACQUISITION POLICY

3310. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, **202 523-3822**

RIN: 3090–AC61

OFFICE OF THE COMPTROLLER

3311. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor governmentwide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Bobby Daniel, Accounting Specialists, General Services Administration, Office of Governmentwide Real Property, Policy and Oversight(PG), Washington, DC 20405, **202 566-1426**

RIN: 3090–AB31

FEDERAL PROPERTY RESOURCES SERVICE

3312. ● NONFEDERAL INTERIM USE OF REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.312

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations concerning nonFederal interim use of surplus Federal real property to implement the provisions of section 4 of Public Law 100-612. Section 4 amends section 203(e)(6) of the Federal Property and Administrative Service Act of 1949, as amended, regarding Congressional review of certain negotiated lease disposals.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax, Director, Policy & Planning Division (DRP), General Services Administration, 18th & F Streets, N.W., Washington, Dc 20405, **202 535-7052**

RIN: 3090–AD58

GSA — Proposed Rule Stage

FEDERAL SUPPLY AND SERVICES

3313. ● FEDERAL TRAVEL REGULATION (FTR), AMENDMENT MILEAGE ALLOWANCE

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-4

Legal Deadline: None

Abstract: This amendment increases the mileage reimbursement rate from 22.5 cents to 24 cents for advantageous use of a privately owned automobile on official business. The estimated economic impact for all Executive agencies is $38.4 million annually.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD49

3314. ● FEDERAL TRAVEL REGULATION (FTR), AMENDMENT WORLDWIDE PER DIEM ALLOWANCES

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-7

Legal Deadline: None

Abstract: This amendment establishes a worldwide lodging-plus computation method based on the actual cost of lodging not to exceed a maximum daily amount plus a fixed allowance for meals and incidental expenses. The economic impact of this regulation to the Government has not been calculated to date.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD52

PUBLIC BUILDINGS SERVICE

3315. FEDERAL PROPERTY MANAGEMENT REGULATION PART 101-17, ASSIGNMENT AND UTILIZATION OF SPACE

Significance: Agency Priority

Legal Authority: 40 USC 481; 40 USC 601; 7 USC 1924; 40 USC 490; 40 USC 531; 42 USC 3601; 42 USC 4321; 42 USC 4201; EO 12072; EO 12411; EO 12512; PL 100-678

CFR Citation: 41 CFR 101-17

Legal Deadline: None

Abstract: A new and comprehensive permanent FPMR 101-17, Assignment and Utilization of Space, will improve the space delivery process for federal agencies by making it more efficient, more timely, and better able to deliver quality space that supports agency mission needs. The new FPMR will implement a new space assignment process that emphasizes client service; issue a new comprehensive move policy that clarifies roles and responsibilities; revise the GSA location policy to be more responsive to agency mission needs; revise the standard alterations, which agencies receive upon an initial move, to recognize modern office needs; and revise the space classification definitions to eliminate ambiguity. These changes will result in a more efficient space delivery process that will improve the overall efficiency of government operations. The assignment and utilization of federal space has been governed by a series of four temporary regulations since 1983. The current FPMR Temporary Regulation D-73 is outdated and is not comprehensive in its coverage of the process for acquisition and assignment of federal space. The new permanent FPRM will correct these problems.

Timetable:

Action	Date	FR Cite
Final Action	02/02/89	
NPRM	10/15/89	
NPRM Comment Period End	12/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 651 Real Estate Operators (except Developers) and Lessors; 871 Engineering, Architectural, and Surveying Services

Agency Contact: Phil Kogan, Chief, Assignment and Utilization Policy Branch, General Services Administration, GSA (PQRP), Washington, DC 20405, 202 566-0603

RIN: 3090–AD42

GENERAL SERVICES ADMINISTRATION (GSA) — Final Rule Stage

ACQUISITION POLICY

3316. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); AUTHORIZING PAYMENT BY CREDIT CARD UNDER GSA SCHEDULE CONTRACTS, GSAR NOTICE NO. 5-272

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 532; 48 CFR 552

Legal Deadline: None

Abstract: This notice invites comments on a proposed change to the GSAR that would add subpart 532.70 to establish criteria for including a contract clause that would authorize GSA schedule contractors to accept the Government commercial credit card as an alternative method of payment for orders of $25,000 or less; revise section 552.210-79, Packing List, to add supplemental information which must be included on the packing list or other shipping document when payment will be made by Government commercial credit card, and add section 552.232-80 to provide the text of clause authorizing GSA schedule contractors to be paid for oral or Written orders of $25,000 or less by using the Government commercial credit card.

GSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/29/89	54 FR 27396
NPRM Comment Period End	07/31/89	54 FR 27396
Final Action	10/15/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD61

3317. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) BONDS, PROPOSED RULE, GSAR NOTICE NO. 5-244

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 528; 48 CFR 552; 48 CFR 553

Legal Deadline: None

Abstract: This notice invites comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) that would revise section 528.101-4 to clarify the procedure for dealing with noncompliance with bid guarantee requirements in negotiated acquisitions; revise section 528.103-2 to delete percentage parameters for establishing the penal amount of performance bond from paragraph (c) and thereby permit the contracting officer to establish the penal amount on a case-by-case basis and to amend paragraph (d) to modify the prescriptive language for use of the clause at 552.228-72, Performance Bond, to reflect the need to modify the clause when it is used in solicitations that do not contain options to extend the period of performance; to modify clause 552.228-73 and add section 528.106-1 to provide for use of the GSA Form 3604, Performance Bond for Other Than Construction Contracts, instead of the Standard Form 25.

Timetable:

Action	Date	FR Cite
NPRM	06/26/89	54 FR 26807
NPRM Comment Period End	07/26/89	54 FR 26807
Final Action	10/15/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD67

3318. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); PROCUREMENT INTEGRITY, AC-89-2 (5-276)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 503; 48 CFR 505; 48 CFR 552

Legal Deadline: None

Abstract: The GSAR is temporarily amended to add sections 503.104, 503.104-4, 503.104-5, 503.104-9, 503.104-10, 503.104-11, and 503.104-12 to subpart 503.1 in order to implement and supplement the FAR requirements on procurement integrity; to revise section 505.303-70 and 505.403 to provide for use of a caution notice on any proprietary or source selection information provided to Member of Congress; and to add section 552.203-8, 552-203-10 and 552.203-71 to provide the text of provisions and clauses related to procurement integrity to be included in solicitations and contracts for the acquisition of leasehold interests in real property.

Timetable:

Action	Date	FR Cite
Temporary Regulation	07/14/89	54 FR 29720
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD69

3319. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); CONGRESSIONAL NOTIFICATION OF CONTRACT AWARDS, CHGE 63, (5-184)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 505; 48 CFR 553

Legal Deadline: None

Abstract: Revised the GSAR by deleting section 505.301 and 505.302 that unnecessarily repeat the FAR; revised sections 505.303 and 505.304 to update office titles and symbols; revised 505.303-70 to modify the reporting requirements and procedures for notifying Congress of proposed substantial awards; and deleted section 553.370-2932 that illustrated the GSA Form 2932.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Street, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD70

GSA

Final Rule Stage

3320. ● SPECIFICATIONS, STANDARDS, PURCHASE DESCRIPTIONS AND ACQUISITION OF COMMERCIAL PRODUCTS, GSAR REISSUANCE AND REVISION (5-230)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 510; 48 CFR 511; 48 CFR 552

Legal Deadline: None

Abstract: This change to the General Services Administration Acquisition Regulation revised section 510.011 to prescribe an alternate to the Acceptable Age of Supplies clause; retitled section 511.070 and added the prescription for use of the Commercial Item Certification provision; deleted section 511.070-1, and amended section 522.210-72 to provide the text for the alternate to the Acceptable Age of Supplies clause.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1739
NPRM Comment Period End	02/17/89	54 FR 1739

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, **202 523-3822**

RIN: 3090–AD74

OFFICE OF THE COMPTROLLER

3321. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gracie Jones, Transportation Specialist, General Services Administration, Regulations and Procedures Section (FWCP/R), Washington, DC 20405, **202 786-3007**

RIN: 3090–AB69

FEDERAL PROPERTY RESOURCES SERVICE

3322. OUTLINE FOR EXPLANATORY STATEMENTS FOR NEGOTIATED SALES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.4911

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations concerning the disposal of Federal surplus real property to implement the provisions of Public Law 100-77, as amended by Public Law 100-628. Public Law 100-77 amended the Federal Property and Administrative Services Act of 1959, as amended, and contains provisions which affect congressional oversight of negotiated sales.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), Federal Property Resources Service, General Services Administration, 18th and F Street, NW., Washington, DC 20405, **202 535-7052**

RIN: 3090–AD32

3323. ● TEMPORARY MODIFICATION OF PROCEDURES FOR MAKING FEDERAL REAL PROPERTY AVAILABLE TO THE HOMELESS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47

Legal Deadline: None

Abstract: The General Services Administration is temporarily modifying its policies and procedures for making suitable Federally owned real properties available for homeless use pursuant to the Stewart B. McKinney Homeless Assistance Act.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), General Services Administration, 18th & F Streets, N.W., Washington, DC 20405, **202 535-7052**

RIN: 3090–AD55

FEDERAL SUPPLY AND SERVICES

3324. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

GSA

Final Rule Stage

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA24

3325. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA42

3326. ● SUBMISSION OF PAID FREIGHT BILLS/INVOICES, CBL'S, GTR'S PASSENGER COUPONS, AND SUPPORTING DOCUMENTATION COVERING TRANSPORTATION SERVICES UNDER COST-REIMB' 'RSEMENT CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: The provisions of this temporary regulation will be published as a final rule prior to the expiration date.

Timetable:

Action	Date	FR Cite
Final Action	10/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, & Review Branch, General Services Administration, 18th & F Streets, NW, Washington, DC 20405, 202 786-3014

RIN: 3090–AD35

3327. ● FEDERAL TRAVEL REGULATION (FTR), AMENDMENT CONUS PER DIEM ALLOWANCES

Legal Authority: 5 USC 5702; 5 USC 5707; EO 11609, July 22, 1971

CFR Citation: 41 CFR 301-7

Legal Deadline: None

Abstract: Pursuant to the 1989 meal and lodging costs survey, Appendix A at the end of 41 CFR Chapter 301 is revised to reflect changes in the listing formerly published in 54 FR 20299, et seq. May 10, 1989. The economic impact of this amendment has not been determined to date

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulation Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD44

3328. ● FPMR TEMP. REG, A-33, SUPP.1 FEDERAL AND STATE TAX TABLES FOR CALCULATING 1989 RELOCATION INCOME TAX ALLOWANCE PAYMENTS

Legal Authority: 5 USC 5724b; EO 11609, July 22, 1971; EO 12466, February 27, 1984

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: FPMR Temporary Regulation A-33 implemented the Federal and State tax tables for calculating 1989 relocation income tax (RIT) allowance payments. Because these tax tables were incorporated in appendixes A, B, and C to 41 CFR Part 302-11, this regulation is removed from the appendix at the end of Subchapter A to title 41 of the Code of Federal Regulations. No economic impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regualtions Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD45

3329. ● FEDERAL TRAVEL REGULATION (FTR), AMEND PREMIUM CLASS AIR ACCOMMODATIONS

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-1; 41 CFR 301-3; 41 CFR 301-4; 41 CFR 301-7

Legal Deadline: None

Abstract: This amendment adds new provision concerning the redemption of frequent traveler benefits for upgrades to premium-class air accommodations and to clarify the intent of the Government's policy concerning the use of premium-class air accommodations, such as business class. No economic impact on the Federal government is anticipated.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD46

GSA

Final Rule Stage

3330. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT; PERMANENT CODIFICATION OF TEMPORARY REGULATIONS AND AN INTERIM RULE

Legal Authority: 40 USC 486(c); 5 USC 5701 to 5709; EO 11609, July 22, 1971; 5 USC 5721 to 5734; 20 USC 905(a)

CFR Citation: 41 CFR Chapter 301; 41 CFR Chapter 302

Legal Deadline: None

Abstract: This amendment incorporates in the Federal Travel Regulation (FTR) those provisions formerly contained in FTR Temporary Regulations 1, 2, and 3 (54 FR 20355 Through 20363, May 10, 1989); FPMR Temporary Regulation A-32 (54 FR 10543, March 14, 1989); FPMR Temporary Regulation A-34 (54 FR 14652, April 12, 1989); and the Interim Rule published in 54 FR 29716, July 14, 1989. No economic impact will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD47

3331. ● FPMR TEMP. REG. A-34, SUPP. 1 LIMITING TRAVEL ADVANCES

Legal Authority: 5 USC 5707; EO 11609, July 22, 1971

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: This supplement removes FPMR Temporary Regulation A-34 from the appendix at the end of Subchapter A to title 41 of the Code of Federal Regulations. The provisions of this regulation are made permanent and are incorporated in 41 CFR Part 301-10. No economic impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD48

3332. ● FPMR TEMP. REG. A-32, SUPPLEMENT 1 ALLOWANCES FOR PRESIDENTIAL TRANSITION TEAM PERSONNEL APPOINTED TO GOVERNMENT SERVICE

Legal Authority: 5 USC 5707; EO 11609, July 22, 1971

CFR Citation: 41 CFR 101-7

Legal Deadline: None

Abstract: This supplement removes FPMR Temporary Regulation A-32 from the appendix at the end of Subchapter A to title 41 of the Code of Federal Regulations. The provisions of this regulation are made impact on the Government will result from this action.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations, Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD50

3333. ● FPMR AMENDMENT G CHANGE TO SUBCHAPTER G -- TRANSPORTATION AND MOTOR VEHICLES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40

Legal Deadline: None

Abstract: This amendment updates certain references which have become outdated due to an organizational change, an office relocation, a reissued temporary regulation by the GSA Office of Real Property Development (Real Estate Division), the codification of the Federal Travel Regulation under 41 CFR Chapter 301 through 304, and the enactment of Pub. L. 100-565 which amended 31 U.S.C. 3721.

Economic impact (Pub.L.100-565): Unavailable.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD51

3334. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT; CONGRESSIONAL REPORTING REQUIREMENT

Legal Authority: 5 USC 5701 to 5709; EO 11609, July 22, 1971 (36 FR 13747)

CFR Citation: 41 CFR 301-15

Legal Deadline: None

Abstract: This rule prescribes requirements and procedures for the reporting of travel and relocation cost data by selected Federal agencies for the fiscal year 1988, 1989, and 1991. The Federal Civilian Employee and Contractor Travel Expenses Act of 1985, January 2, 1986, requires the Administrator of General Services to submit periodic analyses of agency payments for employee travel and relocation to the Director of the Office of Management and Budget (OMB). The analyses are to be based on a sampling survey of agencies each of which spent more than $5 million on employee travel and relocation during the previous fiscal year. The law further requires the selected agencies to provide the information necessary for preparing the analyses in a format prescribed by the Administrator and approval by the Director of OMB. This rule establishes a travel survey questionnaire as the format for reporting the required travel and relocation cost data. The economic impact of this rule has not been estimated to date.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD53

3335. ● SUBMISSION OF TRANSPORTATION VOUCHERS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This regulation is being amended to eliminate agency submissions of travel vouchers containing reimbursable transportation charges purchased with contractor-issued charge cards.

Timetable:

Action	Date	FR Cite
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, & Review Branch, General Services Administration, 18th & F Streets NW, Washington, DC 20405, 202 786-3014

RIN: 3090–AD54

3336. ● FEDERAL TRAVEL REGULATION (FTR) AMENDMENT; RESIDENCE TRANSACTIONS

Significance: Agency Priority

Legal Authority: 5 USC 5721 to 5734; 20 USC 905(a); EO 11609, July 22, 1971(36 FR 13747)

CFR Citation: 41 CFR 302-6; 41 CFR 302-12

Legal Deadline: None

Abstract: This document amends the Federal Regulation (FTR) to authorize, under certain conditions, reimbursement of allowable residence transaction expenses for employees transferred from an official station in a foreign area to a different nonforeign area official station than the one from which the employer was transferred when assigned to the foreign post of duty. The estimated economic impact of the relocation legislation is approximately $24 million, assuming that 75 percent of employees selling a residence will opt for relocation services and that the average price of a residence transaction is $100,000. This regulation implements the provisions of Section 628 of Pub. L. 100-202 (101 Stat. 1329-430, 431), Dec. 22, 1987.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Larry Tucker, Acting Chief, Regulations Branch, General Services Administration, Travel Management Division, Regulations Branch (FBTR), Washington, DC 20406, 703 557-1253

RIN: 3090–AD57

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3337. UPDATE OF GOVERNMENTWIDE TELECOMMUNICATIONS POLICIES AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-21; 41 CFR 201-23; 41 CFR 201-38; 41 CFR 201-39; 41 CFR 201-41

Legal Deadline: None

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will update GSA policies and provisions impacting Governmentwide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	09/23/87	52 FR 35736
NPRM Comment Period End	11/23/87	52 FR 35736
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margaret Truntich, Chief Regulations Branch, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AB08

3338. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL AGENCIES' MANAGEMENT OF ELECTRONIC RECORDKEEPING, PROJECT 86.83A

Legal Authority: 40 USC 486(f); 40 USC 751(f)

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Legal Deadline: None

Abstract: This project establishes a new Subpart 201-45.2 in the FIRMR to establish governmentwide policies and procedures for the management of electronic recordkeeping. Specifically responsibilities for the creation, maintenance, use, and disposition of electronic records will be prescribed.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48947
NPRM Comment Period End	02/13/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: R. Stewart Randall, Management Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AC54

GSA

Final Rule Stage

3339. IMPLEMENTATION OF TITLE VIII, PAPERWORK REDUCTION REAUTHORIZATION ACT OF 1986, P.L. 99-500 REGARDING AUTOMATIC DATA PROCESSING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Legal Deadline: None

Abstract: This regulation implements certain selected portions of the Paperwork Reduction Reauthorization Act of 1986. Among the other changes, it clarifies the applicability of the FIRMR to the management acquisition, and use of various information resources by Federal agencies. The amendment prescribes FIRMR policies and procedures for use in determining whether any particular procurement must be conducted under GSA's exclusive procurement authority. It also streamlines the Delegations Program by establishing uniform procedures, uniform blanket delegations of procurement authority, Agency Procurement Requests for all ADP and telecommunications resources.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30706
NPRM Comment Period End	09/23/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulation Branch, General Services Administration, IRMS/KMPR, Washington, D.C. 20405, 202 566-0194

RIN: 3090–AD03

3340. FIRMR IMPROVEMENT PROJECT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: In response to recommendations by users of the FIRMR to revise the regulation to make it more readable and useful, GSA plans to restructure the FIRMR during the next few years. This restructuring will include: the separation of policies and procedures, the separation of contracting from management and use provisions, the reorganization of FIRMR contracting provisions for consistency with the Federal Acquisition Regulations, and the reorganization of the FIRMR's management and use provisions into a life cycle format. As the final draft of each subchapter is completed, GSA will seek public comment on the subchapter through a notice of proposed rulemaking. Subchapter E, which deals with acquisition, will be completed first and, if possible, issued as a final rule before publication of the entire FIRMR. An advanced notice of proposed rulemaking describing the project was published in the Federal Register in January 1988. The next planned action is a notice of proposed rulemaking for planned action is a notice of proposed rulemaking for Sub Chapter C.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/88	53 FR 620
ANPRM Comment Period End	03/11/88	53 FR 620
NPRM	02/06/89	
NPRM Comment Period End	04/06/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Mullins, Chief, Policy Branch, General Services Administration, IRMS/KMPR, Washington, D.C. 20405, 202 535-7462

RIN: 3090–AD04

3341. UPDATE REGULATIONS REGARDING FTS 2000 USAGE (FIRMR INTERIM RULE 1)

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-41

Legal Deadline: None

Abstract: FIRMR Interim Rule 1, regarding the mandatory use of the FTS 2000 network, was published on July 29, 1988, to meet the requirements of the Conference Report for PL 100-202. PL 100-440 was subsequently enacted on September 22, 1988, to include more specific provisions regarding use of FTS 2000. This proposed interim rule will update Interim Rule 1 to incorporate the provisions of PL 100-440 or any succeeding legislation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/88	53 FR 28638
Interim Final Rule Effective Date	11/00/89	
Interim Final Rule Public Comment Period End	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William B. Loy, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Sts., Washington, DC 20405, 202 566-0194

RIN: 3090–AD20

3342. RESTRUCTURING AND SIMPLIFICATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT STANDARDS

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-8; 41 CFR 201-13; 41 CFR 201-39

Legal Deadline: None

Abstract: This project revises the FIRMR to simplify provisions on the use and implementation of Federal automatic data processing and telecommunications standards. It results in major changes in the regulatory coverage and presentation of FIRMR provisions on standards. The intent is to remove redundant and nonregulatory provisions from the FIRMR that may be found in other agency issuances and to reorganize provisions, consistent with the FAR so that users may more readily locate standards provisions relevant to their particular need.

Timetable:

Action	Date	FR Cite
NPRM	01/03/89	
NPRM Comment Period End	03/13/89	
Final Action	10/00/89	

Small Entities Affected: None

GSA

Final Rule Stage

Government Levels Affected: Federal

Agency Contact: Margaret Truntich, Chief, Reg. Branch, General Services Administration, Regulations Branch (KMPR), 18th and F St., Washington, DC 20405, **202 566-0194**

RIN: 3090–AD21

3343. INFORMATION RESOURCES MANAGEMENT REVIEWS CODIFICATION AMENDMENT FOR FIRMR TEMPORARY REGULATION 10

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-19

Legal Deadline: None

Abstract: This project revises the FIRMR by codifying certain provisions contained in FIRMR Temporary Regulation 10 regarding the Federal Information Resources Management Reviews Program (triennial reviews). Temporary Regulation 10 describes the policies and procedures for GSA - Federal agencies to follow in carrying out their information resources management review responsibilities under the Paperwork Reduction Act. It also established GSA as the primary agency for collecting, assessing, and reporting on information resources management review results to OMB. This Final Rule will be issued incorporation comments received on temporary regulation 10. This rule will codify in the FIRMR Governmentwide for policies for triennial reviews. A bulletin will also be issued providing detailed information regarding review procedures.

Timetable:

Action	Date	FR Cite
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stewart Randall, Management Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Streets, Washington, DC 20405, **202 566-0194**

RIN: 3090–AD22

3344. ● IMPLEMENT LEGISLATION TO ACCOMMODATE THE HEARING IMPAIRED

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-1; 41 CFR 201-6; 41 CFR 201-38

Legal Deadline: NPRM, Statutory. Final, Statutory, October 24, 1989.

Abstract: The Telecommunications Accessibility Enhancement Act of 1988 (PUB.L.100-542) directed GSA to prescribe regulations that make the Federal Telecommunications system fully accessible to hearing and speech impaired individuals. In condition with other agencies and organizations, GSA is developing an interim rule that will specify requirements for Federal agencies in providing telecommunications access to hearing and speech impaired individuals who are either employees or client of the agencies. A FIRMR Bulletin will also be issued to describe the types of telecommunication devices for the deaf (TDD's) and related services currently available.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margaret Truntich, Chief, Regulation Branch, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, **202 566-0194**

RIN: 3090–AD36

3345. REVISIONS OF FIRMR POLICIES TO SIMPLIFY THE PROCUREMENT PROCESS

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: This regulation revises a number of FIRMR management and acquisition policies, primarily to remove unnecessary detail and redundancy, provide consistency with the Federal Acquisition Regulations and clarify confusing provisions in the FIRMR.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	
NPRM Comment Period End	03/24/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulations Branch, General Services Administration, Regulations Branch (KMPR), 18th & F Streets, NW., Washington, DC 20405, **202 566-0194**

RIN: 3090–AD38

GENERAL SERVICES ADMINISTRATION (GSA)

Completed Actions

3346. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7 (GSAR 5-91)

CFR Citation: 48 CFR 546

Completed:

Reason	Date	FR Cite
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AB82

GSA

Completed Actions

3347. MISCELLANEOUS CHANGES ON THE ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY (GSAR 5-155)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to codify in the regulation the revised contract clauses approved for use in lease contracts.

Timetable:

Action	Date	FR Cite
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This rule was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC59

3348. MULTIYEAR CONTRACTS AND CONTRACTS WITH OPTIONS (GSAR 5-106)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 517

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the deviation from FAR 52.217-1, Limitations of Price and Contractor Qualifications and FAR 52.217-2, Cancellation of Items; and to consider the applicability of FAR Part 17 to Federal Supply Service multiyear contracts and contracts with options.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	54 FR 4319
NPRM Comment Period End	03/01/89	54 FR 4319
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This rule was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC68

3349. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) PROPOSED RULE, UTILITY CONTRACTS, GSAR CASE 5-65

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 553

Legal Deadline: None

Abstract: This proposed General Services Administration Acquisition Regulation will revise Part 508 to clarify the Federal Acquisition Regulation definition of utility services, to prescribe policies governing the acquisition of utility services, to prescribe procedures for precontract review for utility contracts, to provide for annual rate reviews, to provide for use of GSA forms for acquiring utility services; and to revise Part 553 to illustrate GSA Forms 1533, Utilities Contract; 1683, Negotiated Electric Utility Contract, and 1684, Technical Provisions (Electric Utility Contract).

Timetable:

Action	Date	FR Cite
NPRM	12/24/87	52 FR 48729
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This rule was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Aquisition Policy, 18th & F Streets, NW 20405, Washington, D.C., 202 523-3822

RIN: 3090–AD10

3350. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; ECONOMIC PRICE ADJUSTMENT CLAUSE FOR MULTIPLE AWARD SCHEDULE CONTRACTS, CHGE 61, 5-268

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise Alternate I of the clause entitled "Economic Price Adjustment-FSS Multiple Award Schedule Contracts" at GSAR 552.216-71 to provide for price adjustments in multi-year contracts that are for periods of more than 3 years.

Timetable:

Action	Date	FR Cite
NPRM	11/09/88	53 FR 45293
NPRM Comment Period End	12/09/88	
Final Action	02/02/89	54 FR 6931
Final Action Effective	03/23/89	54 FR 6931

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th

& F Street, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD40

3351. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; INSPECTION OF SUPPLIES, CHGE 64, 5-173

Legal Authority: 8 USC 486(c)

CFR Citation: 48 CFR 512; 48 CFR 546; 48 CFR 552; 48 CFR 542

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise section 512.104 to amend the prescription for use of the Availability for Inspection, Testing and Shipment/Delivery clause; delete section 546.301; amend section 546.302, 546.302-70 and 546.302-71 to revise the sections to prescribe the new Source Inspection by Quality Approved Manufacturer and the Source Inspection clause; delete sections 546.302-72, 546.316 and 546.316–70; amend section 552.216-72 to combine the two availability for Inspection, Testing and Shipment/Delivery clauses currently used into a single clause with an alternate; amend section 552.242-70 to revise the Status Report of Order and Shipments clause to change the reporting frequency from twice a month to once a month, retitle section 552.246-70 and revise the section to provide the text of the new Source Inspection by Quality Approved Manufacturer clause; delete section 552.246-72 and make other miscellaneous changes for clarity.

Timetable:

Action	Date	FR Cite
NPRM	11/23/88	53 FR 47551
NPRM Comment Period End	12/23/88	
Final Action	03/14/89	53 FR 11954
Final Action Effective	04/03/89	53 FR 11954

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD41

3352. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST, GSAR REISSUANCE AND REVISION (5-221)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 503; 48 CFR 552

Legal Deadline: None

Abstract: This change to the General Services Administration Acquisition Regulation revised Subpart 503.2 which deals with contractor gratuities to Government employees to provide agency procedures for dealing with violation of the Gratuities clause; added section 503.404 to prescribe a solicitation provision and contract clause on contingent fees for use in acquisitions of leasehold interests in real property; revised section 503.570 which deals with contractors referring to contracts awarded by GSA in commercial advertising in a manner which indicates the product or service is endorsed by Government; revised Subpart 503.7 which deals with voiding and rescinding contracts to revise agency procedures; added sections 552.203-4 and 552.203-5 to provide the text of the Contingent Fees provision and clause for use in acquisitions of leasehold interests in real property and revised section 552.203-70 to amend the Restriction on Advertising clause.

Timetable:

Action	Date	FR Cite
NPRM	01/25/89	54 FR 3627
NPRM Comment Period End	02/24/89	54 FR 3627
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD56

3353. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; CONTRACTOR'S REPORT OF ORDERS RECEIVED CLAUSE FOR GSA SCHEDULE CONTRACTS, GSAR REISSUANCE AND REVISION (5-115)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 538; 48 CFR 539; 48 CFR 552

Legal Deadline: None

Abstract: This change to the General Services Administration Acquisition Regulation retitled Part 538 and amended the part to add Section 538.00 and Subpart 538.2; added Part 539; and amended Subpart 552.2 to add Section 552.238-72 to provide the text of the new Contractor's Report of Orders Received clause with two alternates.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1740
NPRM Comment Period End	02/16/89	54 FR 1740
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: Organizations

Government Levels Affected: None

Sectors Affected: All

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets,

GSA

Completed Actions

NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD59

3354. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; CONTRACTOR QUALIFICATIONS; SOLICITATIONS PROVISIONS AND CONTRACT CLAUSES, GSAR REISSUANCE AND REVISION (5-227)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 502; 48 CFR 552

Legal Deadline: None

Abstract: This revision to the GSAR added Subpart 509.3 to provide coverage on first article testing, and add section 552.209.74, and 552.209-76 to provide the text of the clauses prescribed in Subpart 509.3.

Timetable:

Action	Date	FR Cite
NPRM	02/09/89	54 FR 6308
NPRM Comment Period End	03/13/89	54 FR 6308
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD60

3355. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; (CHG 60) AVAILABILITY OF GSA FORM 3501 CONCERNING SOLICITATION PROVISIONS AND APPENDIX A CONCERNING CONTRACTING OFFICE ASSIGNMENT CODES

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 553

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation was amended to revise section 553.370-3501 to illustrate the August 1988 edition of the GSA Form 3501, Solicitation Provisions (Sealed Bid) and to revise Appendix A to reflect current Contracting Office Assignment Codes.

Timetable:

Action	Date	FR Cite
Final Action	01/13/89	54 FR 3604
Final Action Effective	02/03/89	54 FR 3604

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD62

3356. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); DEBARMENT, SUSPENSION, AND INELIGIBILITY, GSAR REISSUE AND REVISION (APD 2800.12A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 509

Legal Deadline: None

Abstract: This change to the GSAR revised Subpart 509.4 by eliminating provisions that unnecessarily duplicate or repeat material contained in FAR Subpart 9.4. Section 509.401 was revised to apply the procedures outlined in Subpart 509.4 to debarment and suspension proceeding arising under General Services Administration Property Management Regulation (GSPMR) 105-68 (nonprocurement debarment and suspension). Revised section 509.405 by requiring contracting officers to review both sections of the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs, eliminating the requirement that termination of current contracts with debarred or suspended contractors be approved at a level above the contracting officer, and requiring contracting officers to consider the availability of remedies under FAR Subpart 3.2 (gratuities clause) and Subpart 3.7 (voiding and rescinding). This rule also clarified the role of the agency factfinding official in proceedings conducted pursuant to FAR 9.406-3(d)(2) (ii) and FAR 9.407-3(d)(2)(i).

Timetable:

Action	Date	FR Cite
NPRM	03/27/89	54 FR 12462
NPRM Comment Period End	04/26/89	54 FR 12462
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD63

3357. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); FOREIGN ACQUISITION, GSAR REISSUANCE AND REVISION (ADP 2800.12A) (5-242)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 525; 48 CFR 552

Legal Deadline: None

Abstract: This revision to the GSAR amended sections 525.105, 525.105-70 and 525.105-71 to simplify regulatory coverage and prescribe and amended Buy American Act--Hand or Measuring Tools or Stainless Steel Flatware provision and a Notice of Procurement Restriction--Hand or Measuring tools or Stainless Flatware clauses; added section 525.302 to provide applicable when contracting under the Balance of

Payments Program; retitled and revised section 525.407 to simplify regulatory coverage and prescribe the renumbered Eligible Products from Nondesignated Countries--Waiver clause; revised sections 552.225-70 and 552.225-71 to include stainless steel flatware in the provision and clause; deleted sections 552.225-72 and 552.225-73; renumbered and revised section 552.225-74 to clarify regulatory coverage.

Timetable:

Action	Date	FR Cite
NPRM	03/03/89	54 FR 9067
NPRM Comment Period End	04/02/89	54 FR 9067
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streetsm Nw., Washington, DC 20405, 202 523-3822

RIN: 3090–AD64

3358. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); PROMPT PAYMENT ACT, CHGE 62 (5-208)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 514; 48 CFR 532; 48 CFR 552

Legal Deadline: None

Abstract: This change to the GSAR added section 501.602.3 to implement and supplement the FAR requirements on the ratification of unauthorized commitments; deleted section 501.675, 501.675-1, 501.675-2 and 501.675-3; revised section 514-201-2 to refer to the Prompt Payment clause instead of the Payment Due Date Clause; revised part 532 to delete Payment Due Date, Interest on Overdue Payments and Method of Payment clauses; added material to supplement the Federal Acquisition Regulation by establishing parameters for modifying constructive acceptance periods in the FAR Prompt Payment clause; revised part 552 to delete the existing Payment Due Date clause and provide a new Payments by Electronic Funds Transfer clause for use when payments may be made by GSA and other agencies. Acquisition Circular AC-88-1 regarding Prompt Payment and Ratification of Unauthorized Commitments was canceled.

Timetable:

Action	Date	FR Cite
Final Action	02/14/89	54 FR 9049
Final Action Effective	03/14/89	54 FR 9049

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD65

3359. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; PUBLICIZING AND RESPONSE TIMES, GSAR REISSUE AND REVISION (5-223)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 505

Legal Deadline: None

Abstract: This revision to the General Services Administration Acquisition Regulation revised section 505.203 to establish the same minimum requirement for publicizing in local newspapers acquisitions of leasehold interests in real property as is currently provided for acquisitions of real property appraisal services and to establish for leasehold interests in real property a minimum response time of 20 calendar days between issuance of the solicitation and receipt of initial offers. The Administrator of General Services made to determination under section 18(c)(3) of the Office of Federal Procurement Policy Act that publicizing acquisitions of leasehold interests in real property and real property appraisal services in local newspapers is more appropriate than synopsizing in the Commerce Business Daily. The requirement to publicize applies to blocks of space of 10,000 square feet or more. [GSAR 505.101]

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5516
NPRM Comment Period End	03/06/89	54 FR 5516
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

The revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD66

3360. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); BID SAMPLES, GSAR REISSUANCE AND REVISION (APD 2800.12A) (5-233 AND 5-234)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 514; 48 CFR 515; 48 CFR 552

Legal Deadline: None

Abstract: This revision to the GSAR revised section 514.202-4 to simplify regulatory coverage by deleting material unnecessarily duplicative of the Federal Acquisition Regulation and material non-regulatory in nature; added subpart 515.70 to provide policies and procedures regarding the use of bid samples in negotiated acquisitions; and amended section 552.214.76 to delete unnecessary material in the introductory paragraph and provided

the text of a revised Bid Sample Requirements clauses.

Timetable:

Action	Date	FR Cite
NPRM	02/28/89	54 FR 8362
NPRM Comment Period End	03/30/89	54 FR 8362
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This revision was incorporated in the reissue of the regulation, which became effective July 1, 1989.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquistion Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD68

3361. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); CONSTRUCTION CONTRACT MODIFICATIONS, PROPOSED RULE, GSAR NOTICE NO. 5-255

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: This proposed rule would revise the Equitable Adjustments clause in section 552.243-71 by (1) establishing timeframes for submission of proposals, (2) eliminating the $5,000 threshold for submitting detailed price breakdowns, (3) eliminating the term "commission" and the four-percentage limitation and substitute overhead and profit for "commission," (4) establishing an overhead rate by calculating the rate as a percentage of the company's total direct costs which percentage would be applied to the total direct cost amount, and (5) providing for bond premium adjustments resulting from changes to be made at final settlement.

Timetable:

Action	Date	FR Cite
NPRM	03/24/89	54 FR 12251
NPRM Comment Period End	04/24/89	54 FR 12251
Withdrawn	04/27/89	54 FR 18912

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Analysis: Regulatory Flexibility Analysis

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD71

3362. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); REISSUANCE AND REVISION; FINAL RULE

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 502; 48 CFR 503; 48 CFR 504; 48 CFR 505; 48 CFR 506; 48 CFR 507; 48 CFR 508; 48 CFR 509; 48 CFR 510; 48 CFR 511; 48 CFR 512; 48 CFR 513; 48 CFR 514; 48 CFR 515 to 553 and 570

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) Chapter 5 (APD 2800.12A), was revised to reflect the results of a general review of the entire regulation conducted to assure the regulation is essential to implement Government-wide policies and procedures within GSA, needed to satisfy unique needs of the agency, and to ensure the regulation meets other statutory requirements. The provision regulation (APD 2800.12) and Acquisition Circulars AC-88-2, AC-89-1 were canceled.

Timetable:

Action	Date	FR Cite
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: All

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Notices of proposed rulemaking that affected the public and or had requirements under the Paperwork Reduction Act were published in the Federal Register for comment prior to incorporation in this final rule and have been included in the October 1989 agenda.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD72

3363. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); LEGAL REVIEW, CHANGE 65, (5-266)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501

Legal Deadline: None

Abstract: This change to the GSAR revised the sections within Part 501 that deal with legal review and assistance to reflect the agency's policy on the involvement of attorneys in the acquisition and disposal process.

Timetable:

Action	Date	FR Cite
Final Action	03/23/89	54 FR 13887
Final Action Effective	04/17/89	54 FR 13887

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD73

GSA

Completed Actions

3364. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR); ACQUISITION CIRCULAR AC-89-1, IMPLEMENTATION OF PROMPT PAYMENT ACT AMENDMENTS OF 1988, (5-271)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 532; 48 CFR 552; 48 CFR 553

Legal Deadline: None

Abstract: The Acquisition Circular temporarily amended the GSAR to revise section 532.111 by deleting subparagraph (a)(1) and eliminating the subparagraph designation for subparagraph (a) (2); revised section 532.905 by amending the regulatory language to conform to the FAR as amended by Federal Acquisition Circular 84-45; added section 532. 905-70 to prescribe the GSA Form 2419, Certification of Progress Payments Under Fixed Price Contracts; deleted subpart 532.70 as unnecessary in light of revised FAR coverage; revised section 553.370-2419 to illustrate the revised GSA Form 2419, and make other miscellaneous revisions for clarity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/89	54 FR 14234
Final Action	06/02/89	54 FR 26486
Final Action Effective	07/01/89	54 FR 26486

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

This Acquisition Circular was incorporated in the reissue of the regulation, which became effective July 1, 1989. The Acquisition Circular was canceled.

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy, Washington, DC 20405, 202 523-3822

RIN: 3090–AD75

3365. REVISION OF STANDARD FORM 1170, REDEMPTION OF UNUSED TICKETS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	04/20/89	54 FR 15943

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn West 202 786-3005

RIN: 3090–AD13

3366. USE OF ELECTRONIC DATA INTERCHANGE TO DOCUMENT AND PAY TRANSPORTATION BILLS

CFR Citation: 41 CFR 101

Completed:

Reason	Date	FR Cite
Final Action	04/20/89	54 FR 15940

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort 202 786-3065

RIN: 3090–AD27

3367. SUBMISSION OF PAID FREIGHT BILLS/INVOICES, CBL'S, GTR'S, PASSENGERS COUPONS, AND SUPPORTING DOCUMENTATION COVERING TRANSPORTATION SERVICES UNDER COST-REIMBURSEMENT CONTRACTS

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Temporary Regulation	04/20/89	54 FR 15942

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn West 202 786-3005

RIN: 3090–AD35

[FR Doc. 89-21740 Filed 10-27-89; 8:45 am]

BILLING CODE 6820-81-T

federal register

Monday
October 30, 1989

Part XXVII

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations are scheduled for review or development from October 1989 through September 1990. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Management Analysis, (202) 653-8892.

Dated: August 4, 1989.

Merit Systems Protection Board,

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Prerule Stage

3368. ● PART 1209 -- PRACTICES AND PROCEDURES FOR APPEALS OF PERSONNEL ACTIONS ALLEGEDLY BASED ON WHISTLEBLOWING AND REQUESTS FOR STAYS OF PERSONNEL ACTIONS IN SUCH CASES

Significance: Agency Priority

Legal Authority: 5 USC 1204; 5 USC 1221; 5 USC 7701

CFR Citation: 5 CFR 1209.1 to 1209.19

Legal Deadline: None

Abstract: The Board is amending its regulations by adding a new part to implement the Whistleblower Protection Act of 1989.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/89	
End Review	12/00/89	
Final Action	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Patricia Price, Office of General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8919

RIN: 3124–AA19

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Final Rule Stage

3369. PART 1201 - PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1204; 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.199

Legal Deadline: None

Abstract: These regulations are republished to present the Board's requirements in plain English and to implement the Whistleblower Protection Act of 1989 (Pub. L. 101-12).

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
Interim Final Rule	07/06/89	54 FR 28632
Interim Final Rule - Appendix 1 to Part 1201	10/00/89	
End Review	10/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Paul D. Mahoney, Director, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8892

RIN: 3124–AA10

3370. ● PART 1210 -- DEBT MANAGEMENT

Legal Authority: 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3719; 31 USC 3728; 5 USC 5514

CFR Citation: 5 CFR 1210

Legal Deadline: None

Abstract: This part establishes the Board's regulations to implement the provisions of the Debt Collection Act of 1982. This part will enhance the Board's ability to recover delinquent debts promptly and to minimize the adverse impact on the economy as well as on MSPB's delivery of program services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/90	
Final Action	07/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Darrell L. Netherton, Director of Administration, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-5805

RIN: 3124–AA20

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Completed Actions

3371. PART 1205--PRIVACY ACT REGULATIONS

CFR Citation: 5 CFR 1205.1 to 1205.32

Completed:

Reason	Date	FR Cite
Final Action	07/06/89	54 FR 28662
Final Action Effective	07/09/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie 202 653-7200

RIN: 3124–AA05

3372. PART 1206--OPEN MEETINGS

CFR Citation: 5 CFR 1206.1 to 1206.12

Completed:

Reason	Date	FR Cite
Final Action	05/11/89	54 FR 20367
Final Action Effective	05/11/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie 202 653-7200

RIN: 3124–AA06

3373. PART 1203--PROCEDURES FOR REVIEW OF RULES AND REGULATIONS OF THE OFFICE OF PERSONNEL MANAGEMENT

CFR Citation: 5 CFR 1203.1 to 1203.22

Completed:

Reason	Date	FR Cite
Final Action	07/06/89	54 FR 28658
Final Action Effective	07/09/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney 202 653-8892

RIN: 3124–AA07

3374. PART 1204--AVAILABILITY OF OFFICIAL INFORMATION

CFR Citation: 5 CFR 1204.1 to 1204.22

Completed:

Reason	Date	FR Cite
Final Action	07/06/89	54 FR 28658
Final Action Effective	07/09/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie 202 653-7200

RIN: 3124–AA08

3375. PART 1207--ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

CFR Citation: 5 CFR 1207.1 to 1207.99

Completed:

Reason	Date	FR Cite
Withdrawn	07/06/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert U. Hernandez 202 653-6180

RIN: 3124–AA09

3376. ● PART 1208--NATIONAL SECURITY INFORMATION PROCEDURES

Legal Authority: EO 12356 47 FR 14874 (April 6, 1982); ISOO Directive No. 1 47 FR 27837 (June 25, 1982)

CFR Citation: 5 CFR 1208.1 to 1208.16

Legal Deadline: None

Abstract: The Board does not have original security information classification authority. It does occasionally receive material classified by other agencies. This part establishes the Board's procedures for handling such information.

Timetable:

Action	Date	FR Cite
Final Action	05/18/89	54 FR 21397
Final Action Effective	05/18/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-7262

RIN: 3124–AA17

3377. ● PART 1202--STATUTORY REVIEW BOARD

Legal Authority: 5 USC 1204

CFR Citation: 5 CFR 1202.1

Legal Deadline: None

Abstract: This part is republished in plain English and is revised to use current terminology and to make technical and conforming corrections.

Timetable:

Action	Date	FR Cite
Final Action	07/06/89	54 FR 28657
Final Action Effective	07/09/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Charles J. Stanislav, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, 202 653-8931

RIN: 3124–AA18

[FR Doc. 89-19909 Filed 10-27-89; 8:45 am]

BILLING CODE 7400-01-T

Federal Register

Monday
October 30, 1989

Part XXVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Management Operations Office (Code NA), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 89-12 "Unified Agenda of Federal Regulations for October 1989," Executive Order 12291 "Federal Regulation," and NASA Management Instruction 1410.10E "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents" require a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each April and October.

John W. Gaff,

Director, Management Operations Office.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3378	Uniform Administrative Requirements for Grants and Cooperative Agreements	2700-AA95

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3379	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3380	Space Transportation System; Mementos Aboard Space Shuttle Flights	2700-AA18
3381	Personnel Security Adjudication and Procedures	2700-AA31
3382	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and (cont)	2700-AA45
3383	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3384	Extraterrestrial Exposure	2700-AA53
3385	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3386	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3387	Limited Arrest Authority and Use of Force by NASA Security Force Personnel	2700-AA80
3388	NASA Grant and Cooperative Agreement Handbook Instruction 84-5	2700-AA97
3389	NASA Grant and Cooperative Agreement Handbook Instruction 84-6	2700-AA98

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3390	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3391	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3392	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3393	Availability of Agency Records to Members of the Public	2700-AA49
3394	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3395	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	2700-AA51
3396	Payload Specialists for Space Transportation System (STS) Missions	2700-AA52
3397	Duty-Free Entry of Space Articles	2700-AA62
3398	Policy On The Protection Of Human Subjects	2700-AA76
3399	Care and Use of Animals in the Conduct of NASA Activities	2700-AA78
3400	Interim Changes to the NASA FAR Supplement on Domestic Preference	2700-AA87
3401	NASA FAR Supplement Directive (NFSD) 89-1	2700-AA90
3402	NASA FAR Supplement Directive (NFSD) 89-2	2700-AA91
3403	NASA FAR Supplement Directive (NFSD) 89-3	2700-AA92

NASA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3404	NASA FAR Supplement Directive (NFSD) 89-4	2700-AA93
3405	NASA FAR Supplement Directive (NFSD) 89-5	2700-AA94
3406	Space Transportation System Personnel Reliability Program	2700-AA99

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3407	NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags, and the Agency's Unified Visual Communications Systems	2700-AA15
3408	NASA Astronaut Candidate Recruitment and Selection Program	2700-AA28
3409	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs	2700-AA32
3410	Availability of Agency Records to Members of the Public	2700-AA49
3411	National Space Grant College and Fellowship Program	2700-AA75
3412	Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug Free Workplace (Grants)	2700-AA81
3413	Processing of Monetary Claims (General)	2700-AA82
3414	Pension Portability	2700-AA83
3415	Cross-Waiver Liability for Space Station	2700-AA84
3416	Special Government Employees	2700-AA85
3417	Changes to NASA FAR Supplement on Service Contract Act	2700-AA86
3418	NASA FAR Supplement Directive (NFSD) 85-14	2700-AA88
3419	NASA FAR Supplement Directive (NFSD) 89-0	2700-AA89
3420	NASA Grant and Cooperative Agreement Handbook Instruction 84-4	2700-AA96

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Prerule Stage

3378. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1270

Legal Deadline: None

Abstract: Common rule for grants administration replacing NASA implementation of OMB Circular A-110.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 214
Begin Review	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA95

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3379. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.1

Legal Deadline: None

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

NASA

Proposed Rule Stage

Additional Information: RIN 2700-AA13 merged with RIN 2700-AA14.

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA14

3380. SPACE TRANSPORTATION SYSTEM; MEMENTOS ABOARD SPACE SHUTTLE FLIGHTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.6

Legal Deadline: None

Abstract: Clarifies policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wanda J. Dockery, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1923

RIN: 2700–AA18

3381. PERSONNEL SECURITY ADJUDICATION AND PROCEDURES

Legal Authority: 42 USC 2451 et seq.; 5 USC 552 A; 5 USC 5596; EO 10450; EO 12356; 5 USC 7312; 5 USC 7531 TO 7533

CFR Citation: 14 CFR 1203.J

Legal Deadline: None

Abstract: 14 CFR Part 1203 is amended by adding this new Subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerome Verba, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2946

RIN: 2700–AA31

3382. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND (CONT)

Legal Authority: PL 85-568, Sec 203; 42 USC 2473; PL 87-624, Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214.1; 14 CFR 1214.2

Legal Deadline: None

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Foreign Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA45

3383. DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1); 42 USC 2473(b)(3); 42 USC 2473(b)(5); 42 USC 2473(b)(6); 42 USC 2473(b)(14)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA47

3384. EXTRATERRESTRIAL EXPOSURE

Legal Authority: 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephan W. Fogleman, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1530

RIN: 2700–AA53

3385. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205.1

Legal Deadline: None

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Greg Hunolt, Office of Space Science and Applications, Code

EC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1500**

RIN: 2700–AA54

3386. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Program, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2163**

RIN: 2700–AA69

3387. LIMITED ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY FORCE PERSONNEL

Legal Authority: 42 USC 2456(e); 42 USC 2456(f); EO 12356

CFR Citation: 14 CFR 1203.b

Legal Deadline: None

Abstract: NASA proposes to implement 42 USC 2456(e), (f), and EO 12356 by establishing centralized control over the exercise of arrest authority at NASA Headquarters and ensuring that NASA Security Force personnel at NASA Installations exercise such arrest authority, including the use of force to effect such an arrest in a manner consistent with both NASA's security objectives and recognized legal standards.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2953**

RIN: 2700–AA80

3388. ● NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-5

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1260

Legal Deadline: None

Abstract: Miscellaneous changes to Grant and Cooperative Agreement Handbook.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA97

3389. ● NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-6

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1260

Legal Deadline: None

Abstract: Miscellaneous changes to Grant and Cooperative Agreement Handbook, including revisions NASA implementation of OMB Circular A-110.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA98

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) Final Rule Stage

3390. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214.13

Legal Deadline: None

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

NASA — **Final Rule Stage**

Agency Contact: June W. Edwards, Office of General Counsel, Code G, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2432

RIN: 2700–AA00

3391. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.8

Legal Deadline: None

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA01

3392. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None

Abstract: Annual revision of Appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action for CY 1990 Rate Change	03/15/89	54 FR 10627
Final Action for CY 1991 Rate Change	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Operations, Code T, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2030

RIN: 2700–AA29

3393. ● AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Legal Authority: 42 USC 2473; 5 USC 552 as amended; 5 USC 552a

CFR Citation: 14 CFR 1206

Legal Deadline: None

Abstract: This action amends 14 CFR Part 1206 by making nonsubstantive administrative changes and corrections reflecting the renaming of one field center, the change in the offices responsible for Freedom of Information Act requests, and a reassignment of responsibilities for final determinations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricial M. Riep, Freedom of Information Act Officer, Code LN, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2939

RIN: 2700–AA49

3394. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: Title VI of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA50

3395. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 1251

Legal Deadline: None

Abstract: This proposed rule amends existing section 504 regulations for federally assisted programs or activities require that new construction be designed and built to be accessible and that alterations of facilities be made in an accessible manner.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynda Sampson, Handicapped and Aged Employment Program, Manager, Code UI, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2177

RIN: 2700–AA51

3396. PAYLOAD SPECIALISTS FOR SPACE TRANSPORTATION SYSTEM (STS) MISSIONS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473; PL 87-624, Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214.3

Legal Deadline: None

Abstract: NASA is amending 14 CFR Part 1214 by revising Subpart 1214.3. This revision redefines the title of the subpart and the payload specialist responsibilities, and sets forth NASA's policy on and process for the determination of need, selection, and utilization of payload specialists and additional mission specialists to be

assigned to an STS flight in addition to the standard NASA flight crew.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry J. Fitts, Transportation Services, Code MC, Office of Space Flight, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2347**

RIN: 2700–AA52

3397. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 19 USC 1202 note

CFR Citation: 14 CFR 1214.15

Legal Deadline: None

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pierre M. Hartman, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2434**

RIN: 2700–AA62

3398. POLICY ON THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 42 USC 2451

CFR Citation: 14 CFR 1230

Legal Deadline: None

Abstract: NASA will be one of a few Federal Agencies to adopt a Model Federal Policy for the Protection of Human Subjects which was prepared by the Office of Science and Technology Policy. This NPRM will implement a Model Federal Policy for the Protection of Human subjects of research conducted, supported or regulated by NASA.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45668
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Arnauld E. Nicogossian, Life Sciences Division, Code EB, Office of Space Science and Applications, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1530**

RIN: 2700–AA76

3399. CARE AND USE OF ANIMALS IN THE CONDUCT OF NASA ACTIVITIES

Legal Authority: 42 USC 2451; PL 89-544, as amended; 7 USC 2131; 39 USC 3001; PL 99-158, Sec 495

CFR Citation: 14 CFR 1232

Legal Deadline: None

Abstract: This proposed rule establishes the policy, implementation procedures, and management authority and responsibility for the care and use of vertebrate animals in the conduct of NASA activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/30/89	54 FR 35869
Interim Final Rule Effective	08/30/89	
Comment Period End	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thora Halstead, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1527**

RIN: 2700–AA78

3400. ● INTERIM CHANGES TO THE NASA FAR SUPPLEMENT ON DOMESTIC PREFERENCE

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1825; 48 CFR 1852

Legal Deadline: None

Abstract: Implements Sec. 209 of Pub.L 100-685, the FY 1989 NASA Authorization Act which contains a special domestic preference ("Buy America") provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/27/89	54 FR 18112
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA87

3401. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-1

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA90

NASA

Final Rule Stage

3402. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-2

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA91

3403. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-3

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA92

3404. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-4

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA93

3405. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-5

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	09/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA94

3406. ● SPACE TRANSPORTATION SYSTEM PERSONNEL RELIABILITY PROGRAM

Legal Authority: 42 USC 2473; 47 USC 721(b)

CFR Citation: 14 CFR 1214.5

Legal Deadline: None

Abstract: NASA is amending 14 CFR Part 1214 by revising Subpart 1214.5. This rule establishes a program designed to ensure that personnel assigned to mission-critical positions in connection with the Space Transportation System and other critical space systems, including but not limited to the Space Station, designated Expendable Launch Vehicles, and designated payloads, meet established screening requirements.

Timetable:

Action	Date	FR Cite
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jerry F. Moore, Office of Safety, Reliability, Maintainability and Quality Assurance, National Aeronautics and Space Administration, Code QS, NASA Headquarters, Washington, DC 20546, **202 453-1155**

RIN: 2700–AA99

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Completed Actions

3407. ● NASA SEAL, INSIGNIA, LOGOTYPE INSIGNIA, PROGRAM AND ASTRONAUT BADGES, AND FLAGS, AND THE AGENCY'S UNIFIED VISUAL COMMUNICATIONS SYSTEMS

Legal Authority: 42 USC 2472(a); 42 USC 2473(b)(1)

CFR Citation: 14 CFR 1221.1; 14 CFR 1221.110; 14 CFR 1221.112

Legal Deadline: None

Abstract: NASA is amending 14 CFR Part 1221 by revising two paragraphs in subpart 1221.1. These revised paragraphs correct a position title in paragraph (d) of section 1221.110 and insert words that were inadvertently omitted from paragraph (b)(1) of section 1221.112.

Timetable:

Action	Date	FR Cite
Final Action	08/11/89	54 FR 32963

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Schulman, Graphics Coordinator, Code LPS, Public Service Division, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8315

RIN: 2700–AA15

3408. ● NASA ASTRONAUT CANDIDATE RECRUITMENT AND SELECTION PROGRAM

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214.11

Legal Deadline: None

Abstract: NASA is amending 14 CFR Part 1214 by revising Subpart 1214.11. This rule establishes the process for selection of astronauts to support Space Shuttle mission operations. It is being revised to enable NASA to establish and maintain an integrated pool of qualified civilian applicants from which to select astronaut candidates.

Timetable:

Action	Date	FR Cite
Final Action	09/14/89	54 FR 37940
Final Action Effective	09/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. T. Dannessa, Office of Space Flight, Code MOI, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8645

RIN: 2700–AA28

3409. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

CFR Citation: 14 CFR 1208

Completed:

Reason	Date	FR Cite
Final Action	03/02/89	54 FR 8912

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gitta G. Hosenball 202 453-1958

RIN: 2700–AA32

3410. AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

CFR Citation: 14 CFR 1206

Completed:

Reason	Date	FR Cite
Final Action	04/04/89	54 FR 13518

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia M. Riep 202 453-2939

RIN: 2700–AA49

3411. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM

CFR Citation: 14 CFR 1259

Completed:

Reason	Date	FR Cite
Final Action	05/09/89	54 FR 19880

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elaine Schwartz 202 453-8344

RIN: 2700–AA75

3412. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG FREE WORKPLACE (GRANTS)

CFR Citation: 14 CFR 1265.F

Completed:

Reason	Date	FR Cite
Final Action	03/18/89	54 FR 4946

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: David K. Beck 202 453-8250

RIN: 2700–AA81

3413. PROCESSING OF MONETARY CLAIMS (GENERAL)

CFR Citation: 14 CFR 1261

Completed:

Reason	Date	FR Cite
Final Action	08/28/89	54 FR 35456
Final Action Effective	08/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sara Najjar 202 453-2465

RIN: 2700–AA82

3414. ● PENSION PORTABILITY

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1837

Legal Deadline: None

Abstract: Establishes NASA policy regarding pension portability in service contracts.

Timetable:

Action	Date	FR Cite
Final Action	02/06/89	54 FR 5625

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8953

RIN: 2700–AA83

3415. ● CROSS-WAIVER LIABILITY FOR SPACE STATION

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1828; 14 CFR 1852

Legal Deadline: None

Abstract: On 9/29/88, the United States Government and eleven other governments entered into an agreement which bind them to a cross-waiver of liability for space station activities. This rule implements that agreement in the NASA Federal Acquisition Regulation Supplement.

Timetable:

Action	Date	FR Cite
Final Action	02/16/89	54 FR 7073

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA84

3416. ● SPECIAL GOVERNMENT EMPLOYEES

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1815

Legal Deadline: None

Abstract: Non-governmental participants in solicited proposal evaluation proceedings must be appointed as special government employees.

Timetable:

Action	Date	FR Cite
Final Action	12/29/88	53 FR 52713

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA85

3417. ● CHANGES TO NASA FAR SUPPLEMENT ON SERVICE CONTRACT ACT

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 1822; 48 CFR 1852

Legal Deadline: None

Abstract: Withdraws final rule on Service Contract Act included in NASA FAR Supplement Directive 85-14.

Timetable:

Action	Date	FR Cite
Final Action	05/17/89	54 FR 21222

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA86

3418. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 85-14

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	03/15/89	54 FR 10796

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA88

3419. ● NASA FAR SUPPLEMENT DIRECTIVE (NFSD) 89-0

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 48 CFR 18

Legal Deadline: None

Abstract: Miscellaneous quarterly intra-agency changes to the NASA FAR Supplement, exclusive of actions requiring public review and comment or imposing paperwork burdens which were not previously published as proposed rules or notices in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	07/05/89	54 FR 28186

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: W. A. Greene, Regulations Development Branch, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-8953**

RIN: 2700–AA89

3420. ● NASA GRANT AND COOPERATIVE AGREEMENT HANDBOOK INSTRUCTION 84-4

Legal Authority: PL 97-258; 31 USC 6301 et seq

CFR Citation: 14 CFR 1260

Legal Deadline: None

NASA

Completed Actions

Abstract: Miscellaneous changes to Grant and Cooperative Agreement Handbook.

Timetable:

Action	Date	FR Cite
Final Action	03/07/89	54 FR 9426

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: W. A. Greene, Regulations Development Branch, Code HP, Office of Procurement, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8953

RIN: 2700–AA96

[FR Doc. 89-21741 Filed 10-27-89; 8:45 am]

BILLING CODE 7510-01-T

federal register

Monday
October 30, 1989

Part XXIX

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since April 1989. This agenda was developed under the guidelines in OMB Bulletin No. 89-12, dated July 5, 1989. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291 "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: John A. Constance, Acting Chief, Information Management and Directives Branch, (202) 523-3214.

Dated: August 22, 1989.

Don W. Wilson,

Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3421	Restrictions on Access to Archival Records	3095-AA21
3422	Micrographics Records Management	3095-AA22
3423	Uniform Administrative Requirements for Grants and Cooperative Agreements	3095-AA23
3424	NARA Standards of Conduct	3095-AA25
3425	NARA Fee Schedule	3095-AA33
3426	National Historical Publications and Records Commission Grant Program Procedures	3095-AA43
3427	Creation and Maintenance of Records; Adequate and Proper Documentation	3095-AA45
3428	Disposition of Federal Records	3095-AA46

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3429	Electronic Records Management	3095-AA29
3430	Governmentwide Requirements for Drug-Free Workplace (Grants)	3095-AA44

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3431	Transfers to the National Personnel Records Center	3095-AA15
3432	Freedom of Information Act Access Procedures	3095-AA34

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Proposed Rule Stage

3421. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2103(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
NPRM Comment Period End	12/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095–AA21

3422. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37693
NPRM Comment Period End	11/13/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA22

3423. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1207

Legal Deadline: None

Abstract: This action proposes a common rule updating and replacing agencies' implementation of OMB Circular A-110 with a single, government-wide common rule establishing consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to institutions of higher education, hospitals, other nonprofit organizations, and commercial or for-profit entities. This result is achieved by amending the common rule issued by the agencies on March 11, 1988, to similarly update and replace implementation of OMB Circular A-102. The provisions of the common rule are largely drawn from the existing departmental rules issued by the several agencies which in the past developed a single, comprehensive rule implementing the circulars. This proposed common rule contains fiscal and administrative requirements applicable to grantees.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, D.C. 20408, 202 523-3214

RIN: 3095–AA23

3424. NARA STANDARDS OF CONDUCT

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Legal Deadline: None

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Brooks, Designed Agency Ethics Official, National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095–AA25

3425. NARA FEE SCHEDULE

Legal Authority: 44 USC 2104(a); 44 USC 2116(c)

CFR Citation: 36 CFR 1258

Legal Deadline: None

Abstract: NARA will revise fees charged for reproduction of records created by other Federal agencies and transferred to the custody of the Archives of the United States, donated historical materials and records filed with the Office of the Federal Register. The fees will be changed to reflect the current costs of providing the reproduction services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA33

3426. NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT PROGRAM PROCEDURES

Legal Authority: 44 USC 2104(a); 44 USC 2501 to 2506

CFR Citation: 36 CFR 1206

Legal Deadline: None

Abstract: Revises and updates NHPRC's regulations to conform with governmentwide grants management regulations. Incorporating RIN 3095-AA20, "Membership on State Historical Records Advisory Boards", which restructures the State Historical Records Advisory Boards and redefines their function in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	08/08/89	54 FR 32455
NPRM Comment Period End	10/10/89	54 FR 32455
Final Action	11/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

NARA — Proposed Rule Stage

Agency Contact: Richard A. Jacobs, Executive Director, National Historical Publications and Records Commission, National Archives and Records Administration, Washington, DC 20408, **202 523-1701**

RIN: 3095–AA43

3427. CREATION AND MAINTENANCE OF RECORDS; ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2901 to 2909; 44 USC 3101 to 3107

CFR Citation: 36 CFR 1222; 36 CFR 1224

Legal Deadline: None

Abstract: The National Archives is revising its regulations relating to the creation and preservation of adequate and proper documentation by Federal agencies of the organization, functions, policies, decisions, procedures, and essential transactions of the government. The revision will clarify and expand the description of adequate and proper documentation and provide additional standards for records creation and maintenance.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division, National Archives and Records Administration, Washington DC 20408, **202 724-1453**

RIN: 3095–AA45

3428. DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 2104; 44 USC 2107; 44 USC 2901 to 2909; 44 USC 3101 to 3107; 44 USC 3301 to 3314

CFR Citation: 36 CFR 1220; 36 CFR 1228

Legal Deadline: None

Abstract: The National Archives has revised its regulations relating to the disposition of Federal records to ensure clarity and conformity with current practices. This revision updates, clarifies, and reorganizes records disposition procedures. It was developed to provide additional information to assist agencies in carrying out their responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Keeting, Deputy Director, Records Appraisal and, Disposition Division, National Archives and Records Administration, Washington, DC 20408, **202 724-1457**

RIN: 3095–AA46

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Final Rule Stage

3429. ELECTRONIC RECORDS MANAGEMENT

Legal Authority: 44 USC 2904; 44 USC 3102

CFR Citation: 36 CFR 1234

Legal Deadline: None

Abstract: Federal agencies increasingly are recording their policies and authorities electronically. The proposed regulation will provide comprehensive standards for the creation, maintenance, use and disposition of electronic records.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48936
NPRM Comment Period End	02/03/89	53 FR 52202
Final Action	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, **202 724-1453**

RIN: 3095–AA29

3430. GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690, Drug-Free Workplace Act of 1988; 44 USC 2104(a)

CFR Citation: 36 CFR 1209

Legal Deadline: Final, Statutory, March 18, 1989.

Abstract: NARA is joining in the common grants rule to implement the Drug-Free Workplace Act of 1988. The rule will affect the National Historical Publications and Records Commission grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Comments on Interim Final Rule	04/03/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, **202 523-3214**

RIN: 3095–AA44

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3431. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

CFR Citation: 36 CFR 1228.154

Completed:

Reason	Date	FR Cite
Withdrawn Cancellation of low priority project.	08/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gregory A. Pomicter 202 653-8388

RIN: 3095–AA15

3432. FREEDOM OF INFORMATION ACT ACCESS PROCEDURES

CFR Citation: 36 CFR 1250; 36 CFR 1254

Completed:

Reason	Date	FR Cite
Final Action	08/04/89	54 FR 32067
Final Action Effective	08/04/89	54 FR 32067

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: John A. Constance 202 523-3214

RIN: 3095–AA34

[FR Doc. 89-21742 Filed 10-27-89; 8:45 am]

BILLING CODE 7515-01-T

federal register

Monday
October 30, 1989

Part XXX

National Capital Planning Commission

Semiannual Regulatory Agenda

NATIONAL CAPITAL PLANNING COMMISSION (NCPC)

NATIONAL CAPITAL PLANNING COMMISSION

1 CFR Ch. IV

Regulatory Agenda

AGENCY: National Capital Planning Commission (NCPC).

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report final rulemaking activities of the NCPC as required by Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: Linda Dodd-Major, Legal Counsel, National Capital Planning Commission, 1325 G Street NW., Washington, DC 20576; telephone (202) 724-0187.

Reginald W. Griffith,

Executive Director.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC) — Completed Actions

3433. GUIDELINES AND SUBMISSIONS REQUIREMENTS FOR INSTALLATION OF ANTENNAS ON FEDERAL PROPERTY IN NATIONAL CAPITAL REGION

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	05/11/89	54 FR 20456

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Gresham 202 724-0206

RIN: 3125–AA03

[FR Doc. 89-22485 Filed 10-27-89; 8:45 am]

BILLING CODE 7520-01-T

federal register

Monday
October 30, 1989

Part XXXI

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur A. Warren, Acting General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, or call (202) 682-5418.

D. K. Stephens,

Assistant Director for Administration, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3434. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135–AA01

3435. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None

Abstract: This rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are proposed pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	
NPRM	11/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, **202 682-5418**

RIN: 3135–AA03

3436. CLAIMS COLLECTION: SALARY OFFSET

Legal Authority: 5 USC 5514; EO 11809 (redesignated EO 12107); 5 CFR 550, Subpart K

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. The regulation outlines certain procedural protections that must be accorded to an employee prior to commencing offset.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Murray R. Welsh, Director, Administrative Services Division, National Endowment for the Arts, 1100 Pennsylvania Ave., NW, Washington, DC 20506, **202 682-5401**

RIN: 3135–AA04

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

Final Rule Stage

3437. ● GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Significance: Agency Priority

Legal Authority: PL 100-690, Title V, Subtitle D, Sections 5151 to 5160; EO 12549

CFR Citation: 45 CFR 1154

Legal Deadline: Final, Statutory, February 16, 1989.
Section 5156 of the Drug-Free Workplace Act of 1988 requires agencies to issue regulations 90 days after the Act is signed into law.

Abstract: This rule is for the purpose of implementing the statutory requirements of the Drug-Free Workplace Act of 1988 which requires that recipients of Federal grants certify that they will maintain a drug-free workplace. If the grantee is an individual, certification that his or her conduct under the grant will be drug-free is required. This rule directs that grantees submit certifications and establish sanctions of violation for drug-free workplace requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4964
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur A. Warren, Acting General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA05

3438. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301 to 6308; Pres. Memo. for Heads of Exec. Depts & Agencies (Mar. 12, 1987)

CFR Citation: 45 CFR 1157

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of grants and cooperative agreements to State, local, and Federally-recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit organizations, and commercial or for profit entities.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44718
NPRM Comment Period End	01/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Arthur A. Warren, Acting General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202 682-5418

RIN: 3135–AA06

[FR Doc. 89-21743 Filed 10-27-89; 8:45 am]
BILLING CODE 7537-01-T

Federal Register

Monday
October 30, 1989

Part XXXII

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291 "Federal Regulations," dated February 17, 1981, the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/786-0322.

Celeste Colgan,

Deputy Chairman and Acting Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

3439. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 42 USC 2000d to 2000d4

CFR Citation: 45 CFR 1110; 45 CFR 1173

Legal Deadline: None

Abstract: This proposed regulation implements Title VI of the Civil Rights Act of 1984, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs and activities, with respect to programs and activities receiving federal financial assistance from the National Endowment for the Humanities.

Programs and activities receiving federal financial assistance from the National Endowment for the Humanities are currently covered by a regulation implementing Title VI that was issued by the National Foundation on the Arts and the Humanities in 1973 (45 CFR 1110). The proposed rule will remove NEH programs from the coverage of the earlier rule and replace it with a new part applicable only to NEH-assisted programs and activities. Programs and activities assisted by the National Endowment for the Arts remain covered under the existing regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Gordon, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 419, Washington, DC 20506, 202 786-0410

RIN: 3136–AA11

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Final Rule Stage

3440. GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: PL 100-690, Title V, Subtitle D, Secs 5151 to 5160; EO 12549

CFR Citation: 45 CFR 1169

Legal Deadline: Final, Statutory, February 16, 1989.
Section 5156 of the Drug-Free Workplace Act of 1988 requires agencies to issue regulations 90 days after the Act is signed into law.

Abstract: This rule is for the purpose of implementing the statutory requirements of the Drug-Free Workplace Act of 1988 which requires that recipients of Federal grants certify that they will maintain a drug-free workplace. If the grantee is an individual, certification that his or her conduct under the grant will be drug-free is required. This rule directs that grantees submit certifications and establish sanctions of violation for drug-free workplace requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4964
Interim Final Rule Effective	03/18/89	
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rex O. Arney, General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 530, Washington, DC 20506, 202 786-0322

RIN: 3136–AA12

3441. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301 to 6308; Pres. Memo. for Heads of Exec. Depts & Agencies (Mar. 12, 1987)

CFR Citation: 45 CFR 1174

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of grants and cooperative agreements to State, local, and federally-recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit

NEH

Final Rule Stage

organizations, and commercial or for profit entities.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44718
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 530, Washington, DC 20506, 202 786-0322

RIN: 3136–AA13

[FR Doc. 89-21744 Filed 10-27-89; 8:45 am]

BILLING CODE 7537-01-T

federal register

Monday
October 30, 1989

Part XXXIII

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 89-12, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: July 28, 1989.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Final Rule Stage

3442. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None

Abstract: The Bayh-Dole Act (35 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce has prepared a governmentwide implementing regulation. The Foundation's Patents regulation (45 CFR 650) conforms to it. Because the revision to the NSF patents regulation will merely echo a governmentwide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The notable changes to be made in the revision of the NSF patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA07

[FR Doc. 89-19910 Filed 10-27-89; 8:45 am]

BILLING CODE 7555-01-T

federal register

Monday
October 30, 1989

Part XXXIV

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Circulars and Policy Letters Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of title 31 United States Code; Executive Order No. 11541; and other specific authority as cited. The agenda includes actions on issuances which are not guidelines but which are of public interest. While it is presented in the standard Governmentwide format of prerule, proposed rule, and final rule stages, the entries are not rules.

OMB Circulars and OFPP Policy Letters are policy guidelines that communicate Governmentwide policy of a continuing nature. For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda; c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson (202/395-7250) at the above address.

Dated: September 15, 1989.

Darrell A. Johnson,

Assistant Director for Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3443	Policies on Government Publications (Circular No. A-3)	0348-AA77
3444	Policy Governing Charges for Rental Quarters and Other Facilities (Circular No. A-45)	0348-AA85
3445	Management of Federal Audiovisual Activities (Circular No. A-114)	0348-AA84
3446	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AA76

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3447	Writing and Administering Performance Work Statements (Part II of Supplement to Circular No. A-76)	0348-AA34
3448	Enhancing Governmental Productivity Through Competition (Circular No. A-76)	0348-AA45

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3449	Federal Government User Charges Policy (Circular No. A-25)	0348-AA41
3450	Cost Principles for State and Local Governments (Circular No. A-87)	0348-AA83
3451	Audits of Institutions of Higher Education and Other Nonprofit Organizations (Proposed Circular No. A-133)	0348-AA68
3452	Grants and Cooperative Agreements (OMB Circular No. A-XXX)	0348-AA69
3453	Prompt Payment (Circular No. A-125)	0348-AA67
3454	Statistical Policy Directives	0348-AA43
3455	"Rule of Origin" under the Buy American Act of 1933 as amended	0348-AA88

OMB

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3456	Policy Guidance for Development of Government-Wide Regulations Concerning "Procurement Integrity"	0348-AA87

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Prerule Stage

3443. POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Significance: Agency Priority

Legal Authority: 44 USC 1108

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-3, "Government Publications", last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. OMB is proposing to incorporate this Circular, with minor revisions, into OMB Circular No. A-130, "Management of Federal Information Resources", and published a proposed revision for comment on January 4, 1989.On June 15, 1989, OMB published a notice for comment summarizing comments on the January 1989 notice, presenting OMB reaction to comments, and further describing proposed revisions to Circular No. A-3.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advanced Proposal to Replace Circular	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advanced Proposal to Replace Circular	06/15/89	54 FR 25554
Third Advance Proposal to Replace Circular	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348–AA77

3444. POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND OTHER FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911 (F); EO 11609 (Section 9)

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-45 was issued to provide policy guidance regarding charges for rental quarters and other Government facilities. OMB is reviewing this Circular pursuant to the provisions of paragraph 9 of the Circular, dated March 28, 1984.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/88	
End Review	10/01/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348–AA85

3445. MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1950

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-114 was issued to produce policies governing the consolidation, use, and management of federal audiovisual resources. OMB is reviewing this Circular pursuant to the Sunset Review Provision of the Circular as revised on March 20, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Donna Fossum, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA84

3446. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Significance: Agency Priority

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 40 USC 487; 31 USC 11

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-130, "Management of Federal Information Resources", issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Computer Security Act of 1987 (PL 100-235). OMB published for comment on January 4, 1989, a proposed further policy on dissemination of information that

OMB **Prerule Stage**

includes electronic dissemination of information and user charges for government information products.On June 15, 1989, OMB published for comment a notice, presenting OMB reaction to comments, withdrawing the January 1989 notice, and outlining plans for revising Circular No. A-130.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advance Proposal of Changes	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advance Proposal to Circular	06/15/89	54 FR 25554
Third Advance Proposal to Circular	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, **202 395-4814**

RIN: 0348–AA76

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Proposed Rule Stage

3447. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	10/01/89	
Final Action	01/05/90	
Final Action Effective	03/05/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Muzio, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348–AA34

3448. ENHANCING GOVERNMENTAL PRODUCTIVITY THROUGH COMPETITION (CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes required by Executive Order No. 12615, and to provide more management flexibility to directly contract certain functions.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	10/01/89	
Final Action	01/05/90	
Final Action Effective	03/05/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Muzio, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348–AA45

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Final Rule Stage

3449. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Title V of Independent Offices Appropriations Act of 1952; 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. Public comments have been received on a revised draft of the Circular. They are currently being considered.

Timetable:

Action	Date	FR Cite
Draft Published for Comment	07/01/87	52 FR 24890
Public Comment Period End	08/01/87	
Final Publication	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Joel Friedman, Financial Economist, Office of Management and Budget, Budget Review Division, Fiscal Analysis Branch, Washington, D.C. 20503, 202 395-4574

RIN: 0348–AA41

3450. COST PRINCIPLES FOR STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-87)

Legal Authority: 64 Stat 832; Budget and Accounting Act of 1921 as amended; Budget and Accounting Procedures Act of 1950 as amended; EO 11541; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: This review will update the circular.

Timetable:

Action	Date	FR Cite
Draft Circular Published for Public Comment	10/14/88	53 FR 40352
Circular to be Issued	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-3993

RIN: 0348–AA83

3451. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS (PROPOSED CIRCULAR NO. A-133)

Significance: Agency Priority

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble; Budget and Accounting Act of 1921 as amended; Budget and Accounting Procedures Act of 1950 as amended; Reorganization Plan No.2 of 1970; EO 11541; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: The review will develop requirements for "single audit" of universities and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for Public Comment	11/06/85	50 FR 46244
Publish Revised Proposal for Comment	11/10/88	53 FR 45744
Circular to be Issued	10/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Current policy for independent audits of universities is contained in Circular No. A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations". The proposed revision will be merged with current policy for Federal audits of universities contained in Circular No. A-88.

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-3993

RIN: 0348–AA68

3452. GRANTS AND COOPERATIVE AGREEMENTS (OMB CIRCULAR NO. A-XXX)

Significance: Agency Priority

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; Federal Grant and Cooperative Agreement Act of 1977; Intergovernmental Cooperation Act of 1968; Office of Federal Procurement Policy Act of 1974 as amended

CFR Citation: None

Legal Deadline: None

Abstract: The proposed circular would replace OMB Circulars No. A-102, "Grants and Cooperative Agreements with State and Local Governments", and No. A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations", to contain guidance to Federal agencies on grants management issues which are internal to the Federal agencies. Simultaneously, the Federal agencies are proposing a common rule, "Uniform Administrative Requirements for Grants and Cooperative Agreements", which contains fiscal and administrative requirements for grantees.

Timetable:

Action	Date	FR Cite
Begin Review	06/15/87	
Invitation for Comments	06/24/87	52 FR 23729
Proposed Circular	11/04/88	53 FR 44710
Final Circular	11/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jonathan D. Breul, Management Analyst, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-3050

RIN: 0348–AA69

3453. PROMPT PAYMENT (CIRCULAR NO. A-125)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; 31 USC 3901 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Office of Management and Budget has amended Circular No. A-125 to implement changes made by the Prompt Payment Act Amendments of 1988, PL 100-496.

Timetable:

Action	Date	FR Cite
Proposal to Revise Circular	04/15/89	
Comment Period End	06/01/89	54 FR 15053
Final Action	09/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Suzanne Duval, Management Analyst, Office of Management and Budget, Financial Management Division, Credit and Cash

OMB — Final Rule Stage

Management Branch, Washington, D.C. 20503, 202 395-6107

RIN: 0348–AA67

3454. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. A draft Circular was issued for public comment on January 20, 1988. The public comment period was subsequently extended to July 15, 1988. A revised draft circular is planned to be issued for public comment by October 1991. The final circular is planned for April 1991.

Timetable:

Action	Date	FR Cite
Draft Circular for Public Comment	01/20/88	53 FR 1542
Final Circular	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, 202 395-3093

RIN: 0348–AA43

3455. ● "RULE OF ORIGIN" UNDER THE BUY AMERICAN ACT OF 1933 AS AMENDED

Significance: Agency Priority

Legal Authority: PL 100-418,Section 7002

CFR Citation: None

Legal Deadline: Other, Statutory, February 1990.
OFPP must present a report to Congress by February 1990 which includes policy guidance or recommended legislative changes on factors to be used in making determinations of country of origin.

Abstract: The Buy American Act (the Act) was enacted in 1933 to ensure Federal agencies gave domestic products priority in competition for government contracts. The Act provides that, unless it is inconsistent with the public interest or unreasonably costly, all materials and supplies purchased by any department of the Federal Government, and all materials and supplies furnished by contractors doing work for the Federal Government, be produced within the jurisdictional limits of the United States. In 1988, the Act was amended by several sections of Title VII of PL 100-418. among other things, the 1988 amendments, directed the Administrator of Federal Procurement Policy to "conduct an assessment of the rules currently used this Act for making determinations of country of origin and alternatives to such rules." In conducting this assessment, the administrator was directed to identify and evaluate reasonable alternative rules of origin, including one which requires that a determination be made on the basis of total cost. The results of this analysis, including policy guidance and recommended legislative changes,are to be submitted to designated committees of Congress by Feb. 90.

Timetable:

Action	Date	FR Cite
Final Action	02/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: Donna Fossum, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, 725 17th St., N.W.; NEOB; RM.9025, Washington, D.C.20503, 202 395-3300

RIN: 0348–AA88

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

3456. POLICY GUIDANCE FOR DEVELOPMENT OF GOVERNMENT-WIDE REGULATIONS CONCERNING "PROCUREMENT INTEGRITY"

Significance: Agency Priority

Legal Authority: PL 100-679, Sec 6 OFPP Act Amendments of 1988

CFR Citation: None

Legal Deadline: Final, Statutory, July 16, 1989.
Sec 6(a) provides that regulations and guidelines are required to be issued 180 days after enactment of PL 100-679 (November 17, 1988). PL 101-28 extended effective date to July 16, 1989.

Abstract: Section 6 of PL 100-679 establishes a "Procurement Integrity" requirement applicable to all government contractors having contracts with federal agencies that are subject to the Office of Federal Procurement Policy Act. The Policy and Regulations will cover: Prohibited Conduct by Competing Contractors; Prohibited Conduct by Procurement Officials; Disclosure of Information to Unauthorized Persons; Post-Employment Restrictions on Government Officials; Contractual Penalties; Administrative Actions; Criminal Penalties; and Civil Penalties. The statutory provision mandates federal action by requiring implementation in the Federal Acquisition Regulation. No alternative approach is permitted. Potential cost and benefits undetermined.

Timetable:

Action	Date	FR Cite
Policy Guidance Issued	04/07/89	
Final Action	07/16/89	
Final Action Effective	07/16/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Kindred LaBorde, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348–AA87

[FR Doc. 89-22486 Filed 10-27-89; 8:45 am]
BILLING CODE 3110-01-T

federal register

Monday
October 30, 1989

Part XXXV

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from October 1, 1989, through September 30, 1990. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291 "Federal Regulation" and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action, in addition to the items listed, is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 632-0373.

U.S. Office of Personnel Management.

Constance B. Newman,

Director.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3457	Executive Assignment System	3206-AC03
3458	Suitability -- Suitability Disqualification/Rating Actions	3206-AC19
3459	Personnel Security and Related Programs	3206-AC21
3460	Investigations	3206-AB92

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3461	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
3462	Performance Management System	3206-AD22
3463	Veterans Readjustment Appointment (VRA) Program	3206-AD80
3464	Executive and Management Development	3206-AC12
3465	Prevailing Rate Systems	3206-AD70
3466	Pay Administration under the FLSA: Compliance	3206-AA40
3467	Political Activity of Federal Employees	3206-AA47
3468	Employee Responsibilities and Conduct	3206-AD90
3469	Corrective Action and Reporting Requirements Relating to Agency Ethics Programs	3206-AD71
3470	Retirement; Credit for Military Service	3206-AD87
3471	Retirement; Credit and Deposits for Military Service	3206-AB73
3472	Retirement; CSRS Offset Service	3206-AD58
3473	Debt Collection	3206-AD88
3474	Retirement and Federal Employees' Group Life Insurance; Designation of Beneficiary Under CSRS, FERS and FEGLI and Retention of Family Optional FEGLI for Judges	3206-AD84
3475	Retirement; Concurrent Entitlement to Retirement and Compensation Benefits	3206-AD89
3476	Retirement; Reemployment of Annuitants	3206-AD60
3477	Retirement; Basic Employee Death Benefits under FERS	3206-AD85
3478	Federal Employees Health Benefits Program (FEHBP) Enrollment Process for Federal Employees' Retirement System (FERS) Retirees	3206-AD53
3479	Miscellaneous Federal Employees Health Benefits Program (FEHBP) Amendments	3206-AD55
3480	Federal Employees Health Benefits Program; Continuation of Enrollment and Discontinued Plan Enrollment Changes	3206-AB88
3481	Modification of Federal Employees Health Benefits Acquisition Regulation (FEHBAR) Provisions and Clauses	3206-AD78
3482	OPM Procurement Regulations	3206-AB28

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3483	Availability of Official Information	3206-AD83
3484	Employment (General); Employment Practices	3206-AB41
3485	Amendment to Selective Service Registration Requirements	3206-AD68
3486	Employment in the Excepted Service	3206-AD73

OPM

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3487	Pay Under the General Schedule; "Highest Previous Rate"	3206-AD44
3488	Performance Awards in the Senior Executive Service	3206-AD91
3489	Grade and Pay Retention	3206-AD45
3490	Pay Administration (General); Severance Pay	3206-AC41
3491	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
3492	Allowances and Differentials; Cost of Living Allowance and Post Differential--Nonforeign Areas	3206-AB34
3493	Absence and Leave; Coverage of D.C. Government Employees	3206-AC47
3494	Absence and Leave; Voluntary Leave Transfer Program	3206-AD41
3495	Absence and Leave; Voluntary Leave Bank Program	3206-AD69
3496	Executive Personnel Financial Disclosure Requirements	3206-AA93
3497	Post Employment Conflict of Interest; 1988 Designation of Certain Positions and Agencies	3206-AD72
3498	Retirement; Bankruptcy Judges and Magistrates	3206-AD86
3499	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
3500	Retirement; Disability Retirement	3206-AB77
3501	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AD48
3502	Retirement; Deposits for Military Service	3206-AB35
3503	Retirement; Crediting Personal Service Contract Service	3206-AD59
3504	Retirement; Federal Employees' Retirement System Act of 1986	3206-AC94
3505	Retirement; Federal Employees' Retirement System Act of 1986	3206-AD65
3506	Retirement; FERS Cost-of-Living Adjustments	3206-AD62
3507	Retirement; FERS--Annual Pay Computation for Less than Full-Time Employees	3206-AD63
3508	Retirement; FERS Disability Benefits	3206-AD61
3509	Federal Employees' Group Life Insurance; Annual Rates of Pay for Employees Who Work Less Than Full Time	3206-AD50
3510	Federal Employees Health Benefits for Former Spouses of CIA and Foreign Service Employees	3206-AD28
3511	Federal Employees Health Benefits Program/Withdrawal of Carrier and Plan Approval	3206-AD37
3512	Health Insurance Coverage for Certain Temporary Employees	3206-AD79
3513	Debarments, Civil Monetary Penalties and Assessments Imposed on Health Care Practitioners and Providers of Services or Supplies for Cited Offenses	3206-AD76
3514	Federal Employees Health Benefits Program; Temporary Continuation of Coverage	3206-AD66
3515	Amendment to ALJ Regulations	3206-AD82
3516	Computer Security Training	3206-AD43

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3517	Availability of Official Information	3206-AD05
3518	Career and Career-Conditional Employment	3206-AD81
3519	Employment in the Senior Executive Service	3206-AC81
3520	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA21
3521	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA23
3522	Training	3206-AD06
3523	Reduction in Grade and Removal Based on Unacceptable Performance	3206-AB21
3524	Prevailing Rate Systems	3206-AC82
3525	Retirement; Recovery of Annuity Overpayments	3206-AB78
3526	Federal Employees Group Life Insurance	3206-AB80
3527	Additional Optional Life Insurance and Family Optional Life Insurance under the Federal Employees Life Insurance Program (FEGLI)	3206-AD75
3528	Removing Age 36 Barrier for Electing/Adding Option B Life Insurance Coverage and Other Miscellaneous Changes	3206-AD77
3529	Federal Employees Health Benefits Program; Technical Corrections	3206-AB83
3530	Definition of Medicare Eligible Individuals	3206-AD49
3531	Conversion Privilege for Family Members Who Lose Coverage Under the Federal Employees Health Benefits Program (FEHBP)	3206-AD56
3532	Federal Employees Health Benefits Program; Reenrollment of Certain Annuitants	3206-AD23
3533	"Adjusted Community Rating" and Price Adjustments for Defective Community Rating under the Federal Employees Health Benefits Program	3206-AD74

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Prerule Stage

3457. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/89	
End Review	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AC03

3458. SUITABILITY -- SUITABILITY DISQUALIFICATION/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206–AC19

3459. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206–AC21

3460. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 5 CFR 736

Legal Deadline: None

Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206–AB92

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Proposed Rule Stage

3461. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
NPRM	10/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce Oland, Chief, Program Development Division, Office of Personnel Management, Agency Compliance and Evaluation, Personnel Systems and Oversight Group, 1900 E

St., NW, Washington, DC 20415, 202 632-4468

RIN: 3206–AA66

3462. PERFORMANCE MANAGEMENT SYSTEM

Significance: Regulatory Program

Legal Authority: 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54; 5 USC 552; EO 12107; 5 USC 1103; 5 USC 1104; 5 USC 1302; 5 CFR 7.2; EO 9830

CFR Citation: 5 CFR 293; 5 CFR 430

Legal Deadline: None

Abstract: Revises requirements for the Performance Management Systems for General Schedule and Prevailing Rate employees. Regulations will be streamlined to eliminate impediments to management flexibility while still assuring pay-for-performance systems. The section on filing and transfer of performance records contains a technical change that would bring the Official Personnel Folder (OPF) subpart into conformance with the Employee Performance Folder (EPF) subpart, indicating that performance ratings of record, and the performance plans on which they are based, may be filed in either the OPF or the EPF.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Frank Carrick, Chief, Performance Management Division, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7630

RIN: 3206–AD22

3463. ● VETERANS READJUSTMENT APPOINTMENT (VRA) PROGRAM

Legal Authority: 38 USC 2014

CFR Citation: 5 CFR 307

Legal Deadline: None

Abstract: Unless it is extended, the current VRA Program expires December 31, 1989. If in fact it is extended or modified, OPM will need to issue regulations to reflect the provisions of the legislation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Carbonneau, Special Assistant for Veterans Programs, Office of Personnel Management, Career Entry and Employee Development Group, Affirmative Recruiting and Employment, 1900 E St., NW; Washington, DC 20415, 202 632-0643

RIN: 3206–AD80

3464. EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412

Legal Deadline: None

Abstract: Regulations to reconstruct executive and management development program authority.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Loftis, Chief, Management and Oversight Division, Office of Personnel Management, Career Entry and Employee Development Group, 1121 Vermont Ave., NW; PO Box 7230, Washington, DC 20044, 202 632-0255

RIN: 3206–AC12

3465. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Proposed rule would move material that is of a regulatory nature from FPM Supplements 532-1 and 532-2 to 5 CFR Part 532.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Summers, Acting Chief, Wage Systems Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7830

RIN: 3206–AD70

3466. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None

Abstract: Proposed new regulation covering the FLSA Compliance Program and simplifying the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Tapping, Personnel Management Specialist, Office of Personnel Management, Personnel and Systems and Oversight Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, 202 632-4530

RIN: 3206–AA40

3467. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 7538, Washington, DC 20415, 202 632-5030

RIN: 3206–AA47

3468. ● EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: EO 12674

CFR Citation: 5 CFR 735

Legal Deadline: None

Abstract: Proposed new regulation implementing new Executive Order of Principles of Ethical Conduct to supersede employee conduct rules of 5 CFR Part 735.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
Analyze Comments	12/15/89	
Final Action	02/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie Wilcox, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, 202 523-5757

RIN: 3206–AD90

3469. CORRECTIVE ACTION AND REPORTING REQUIREMENTS RELATING TO AGENCY ETHICS PROGRAMS

Significance: Regulatory Program

Legal Authority: 5 USC App 402; PL 100-598

CFR Citation: 5 CFR 738; 5 CFR 735

Legal Deadline: None

Abstract: Proposed new regulation to implement portions of 5 CFR Part 738 by adding new Subpart D - Correction of Agency Programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Analyze Comments	11/30/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie Wilcox, Staff Attorney, Office of Personnel Management, Office of Government Ethics, PO Box 14108, Washington, DC 20044, 202 523-5757

RIN: 3206–AD71

3470. ● RETIREMENT; CREDIT FOR MILITARY SERVICE

Legal Authority: 5 USC 8347; 5 USC 8461; PL 97-253, Sec 307

CFR Citation: 5 CFR 831, Subpart C; 5 CFR 842, Subpart C; 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These regulations govern credit for military service under FERS and CSRS in situations where annuitants have simultaneous entitlement to Social Security benefits.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW.; Washington, DC 20415, 202 632-4682

RIN: 3206–AD87

3471. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4682

RIN: 3206–AB73

3472. RETIREMENT; CSRS OFFSET SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart J

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provided that certain employees would continue to be covered by both the Civil Service Retirement System and social security. Their CSRS deductions are offset by social security taxes (FICA), and, when they retire, their CSRS benefits are offset by the value of this service in their social security benefits. The regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted Newland, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD58

3473. ● DEBT COLLECTION

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 835

Legal Deadline: None

Abstract: These proposed regulations would consolidate in one Part, all of OPM's procedures for collecting both our own and other agencies' debts from benefits payable from the Civil Service Retirement and Disability Fund for debtors covered by the Civil Service Retirement System or the Federal Employees Retirement System.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW.; Washington, DC 20415, 202 632-4682

RIN: 3206–AD88

3474. ● RETIREMENT AND FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; DESIGNATION OF BENEFICIARY UNDER CSRS, FERS AND FEGLI AND RETENTION OF FAMILY OPTIONAL FEGLI FOR JUDGES

Legal Authority: 5 USC 8347; 5 USC 8424; 5 USC 8441; 5 USC 8442; 5 USC 8716

CFR Citation: 5 CFR 831, Subpart T; 5 CFR 843, Subpart B; 5 CFR 870, Subpart I; 5 CFR 873, Subpart F

Legal Deadline: None

Abstract: Regulations to amend CSRS, FERS and FEGLI to specify and make consistent the policy that only the federal employee or annuitant is eligible to make or change their designation of beneficiary. In addition, the regulation specifies that certain retired judges are exempted from the reduction of Family Optional FEGLI.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW.; Washington, DC 20415, 202 632-4634

RIN: 3206–AD84

3475. ● RETIREMENT; CONCURRENT ENTITLEMENT TO RETIREMENT AND COMPENSATION BENEFITS

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: These regulations would implement Section 124 of Public Law 100-238, the Federal Employees Retirement System Technical Corrections Act, which addressed commuted compensation payments. They would also clarify the effect of an alternative annuity election in cases where retirees have concurrent entitlement to a retirement annuity and compensation.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St., NW.; Washington, DC 20415, 202 632-4682

RIN: 3206–AD89

3476. RETIREMENT; REEMPLOYMENT OF ANNUITANTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart K; 5 CFR 846

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, amended the Federal Employees' Retirement System Act provisions concerning reemployment of FERS annuitants and CSRS annuitants who transfer to FERS. These regulations implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD60

3477. ● RETIREMENT; BASIC EMPLOYEE DEATH BENEFITS UNDER FERS

Legal Authority: 5 USC 8442; 5 USC 8461

CFR Citation: 5 CFR 843, Subpart C

Legal Deadline: None

Abstract: These regulations give notice of our existing practice to permit surviving spouses who elect to receive the basic employee death benefit in installments to opt to receive the present value of the remaining installments in a lump sum.

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Final Action	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St. NW.; Washington, DC 20415, 202 632-4682

RIN: 3206–AD85

3478. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) ENROLLMENT PROCESS FOR FEDERAL EMPLOYEES' RETIREMENT SYSTEM (FERS) RETIREES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify FEHBP enrollment process and "immediate annuity" for individuals eligible for a FERS annuity at the minimum retirement age with at least 10 years of service (MRA plus 10 provision).

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E

OPM — Proposed Rule Stage

Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD53

3479. MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) AMENDMENTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to establish earlier effective date of coverage for former spouses; to clarify the treatment of former spouse health benefits if former spouse is or becomes a Federal employee or is covered under the Federal enrollment of another; and to clarify the current provision on continued coverage while confined in a hospital at the time of change of plan.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD55

3480. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT AND DISCONTINUED PLAN ENROLLMENT CHANGES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to reflect established OPM practice of (1) allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases; and (2) setting an alternative time and effective date for a change of enrollment when a one-option health benefits plan is discontinued at the end of the contract period.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AB88

3481. MODIFICATION OF FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION (FEHBAR) PROVISIONS AND CLAUSES

Legal Authority: 5 USC 8913; 40 USC 486(c)

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: Proposed regulations to improve OPM's administration of the Federal Employees Health Benefits Program (FEHBP).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD78

3482. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alfred F. Chatterton III, Acting Chief, Acquisition Division, Office of Personnel Management, Administration Group, 1900 E Street, NW, Washington, DC 20415, 202 632-5476

RIN: 3206–AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Final Rule Stage

3483. ● AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: Revisions in response to the requirements of E.O. 12600 regarding confidential commercial information and revisions to the description of the Index to Information to clearly reflect OPM's practices.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25120
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy, Chief, Reports and Forms Management Branch, Office of Information Management, Office of Personnel Management, Administration

Group, 1900 E St., NW; Washington, DC 20415, **202 632-0261**

RIN: 3206–AD83

3484. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	04/01/88	
NPRM	06/20/88	53 FR 23123
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James S. Green, Associate General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, **202 632-5087**

RIN: 3206–AB41

3485. AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 5 USC 3328

CFR Citation: 5 CFR 300, Subpart G

Legal Deadline: None

Abstract: We will issue a final rule delegating authority to agencies to determine whether a Federal job applicant's failure to register with the Selective Service System was knowing and willful. This change was authorized by an amendment to 5 USC 3328 which imposes the selective service registration requirement as a condition of employment in Federal executive agencies. The delegation will permit faster decisions for interested job seekers and reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15400
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O'Connor, Personnel Staffing Specialist, Office of Personnel Management, Career Entry and Employee Development Group, Staffing Policy Division, 1900 E St., NW; Washington, DC 20415, **202 653-9407**

RIN: 3206–AD68

3486. EMPLOYMENT IN THE EXCEPTED SERVICE

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 302

Legal Deadline: None

Abstract: Regulations will respond to substantive issues raised during revision of Part 302 in FY 88: (1) distinction between candidates who should receive priority consideration for reemployment and other reemployment candidates (currently all are referred on same list); (2) delegation to agencies of authority to establish alternative ranking plans under 5 CFR 302.105.

Timetable:

Action	Date	FR Cite
NPRM	09/12/89	54 FR 37685
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum, Assistant Director, Office of Staffing Policy and Operations, Office of Personnel Management, Career Entry and Employee Development Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206–AD73

3487. PAY UNDER THE GENERAL SCHEDULE; "HIGHEST PREVIOUS RATE"

Legal Authority: 5 USC 5334(a); 5 USC 5338

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: Under current regulations, Federal agencies must request prior OPM approval to use a special rate as an employee's "highest previous rate" upon reassignment to another position. The proposed regulations would revise the "highest previous rate" provisions of the regulations to remove this requirement and to clarify an agency's authority to establish an employee's rate of basic pay upon promotion, demotion, reassignment, transfer, reemployment, or change in type of appointment.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13196
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Gatewood, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, **202 632-5056**

RIN: 3206–AD44

3488. ● PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE

Legal Authority: 5 USC 5384; 5 USC 5385

CFR Citation: 5 CFR 534

Legal Deadline: None

Abstract: Proposed regulations to require that Senior Executive Service (SES) Performance Review Boards be composed of a majority of career SES members when making recommendations on performance awards for career SES appointees.

Timetable:

Action	Date	FR Cite
NPRM	08/29/89	54 FR 35654
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

OPM

Final Rule Stage

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Executive Administration, Office of Personnel Management, Office of Executive Personnel, 1900 E St. NW.; Washington, DC 20415, **202 632-4486**

RIN: 3206–AD91

3489. GRADE AND PAY RETENTION

Legal Authority: 5 USC 5365

CFR Citation: 5 CFR 536

Legal Deadline: None

Abstract: Proposed regulations would provide for the application of current pay retention rules when a Federal prevailing rate (wage) schedule is reduced as a result of a decline in the local private sector economy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/88	53 FR 49545
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, **202 632-5056**

RIN: 3206–AD45

3490. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Significance: Regulatory Program

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Legal Deadline: None

Abstract: Proposed regulations would make eligibility for involuntary retirement and severance pay parallel, since the same circumstances give rise to both. Proposed regulations also would clarify severance pay coverage for certain employees serving under time-limited appointments and make other changes related to eligibility for severance pay.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	54 FR 23215
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Winstead, Chief, Pay and Leave Administration Division, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-5056**

RIN: 3206–AC41

3491. PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661; 42 USC 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

Timetable:

Action	Date	FR Cite
NPRM	04/28/86	51 FR 15787
NPRM	09/06/88	53 FR 34305
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW; Room 7544, Washington, DC 20415, **202 632-5090**

RIN: 3206–AB42

3492. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL--NONFOREIGN AREAS

Significance: Regulatory Program

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None

Abstract: Current regulations need to be revised to bring the allowance-setting program into conformity with APA requirements, and to establish a methodology for measuring living costs and setting allowance rates that will fulfill the requirements of law and Executive order.

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42531
NPRM	06/02/89	54 FR 23664
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Hearne, Pay Specialist, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, **202 632-7184**

RIN: 3206–AB34

3493. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: Current regulations contain obsolete references to certain DC government employees who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations will clarify leave coverage for DC government employees.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
NPRM	08/29/89	54 FR 35654
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Derby, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-5056**

RIN: 3206–AC47

3494. ABSENCE AND LEAVE; VOLUNTARY LEAVE TRANSFER PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 6311; 5 USC 6332; PL 100-202; PL 100-284; PL 100-440; PL 100-566

CFR Citation: 5 CFR 630

Legal Deadline: Final, Statutory, January 31, 1989.

OPM

Final Rule Stage

Abstract: Public Law 100-202 authorized the Office of Personnel Management to establish a program under which Federal employees may transfer annual leave to other employees who need such leave because of a "personal emergency." Interim regulations issued in 1988 established administrative procedures for Federal agencies to permit the transfer of annual leave for this purpose. The statutory authority for this program has been extended through FY 89. In addition, Public Law 100-566 authorized a 5-year experimental voluntary leave transfer program, which will expire on October 31, 1993. Regulations to implement the new program by Public Law 100-566 will supersede previous regulations governing this program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/08/88	53 FR 7325
Interim Final Rule	04/26/88	53 FR 14775
Interim Final Rule	11/15/88	53 FR 45886
Interim Final Rule	01/31/89	54 FR 4749
Interim Final Rule	04/28/89	54 FR 18267
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regarding the interim rules published 3/8/88, 4/26/88, and 11/15/88: The initial program will be phased-out as agencies implement the new program, and these regulations will not be published as final actions. Regarding the interim rule published January 31, 1989: These regulations implement the new program, and will be followed by a final action.

Agency Contact: Martha Hoehn, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD41

3495. ABSENCE AND LEAVE; VOLUNTARY LEAVE BANK PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 6362; PL 100-566

CFR Citation: 5 CFR 630

Legal Deadline: Final, Statutory, April 30, 1989.

Abstract: Public Law 100-566 authorizes the Office of Personnel Management to establish a 5-year experimental voluntary leave bank program to be implemented in at least 3 executive agencies. Under the voluntary leave bank program, employees can donate annual leave to a common leave fund within each agency, and then can apply to withdraw leave from the fund if they encounter a medical emergency. The regulations will establish the administrative procedures for participating agencies to permit the contribution and use of annual leave for this purpose. The statutory authority for this program expires on October 31, 1993. Further action is dependent upon whether continuing or permanent authorization is enacted.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/89	54 FR 18267
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This item is combined in the Regulatory Program with the Leave Transfer regulations (under RIN 3206-AD41).

Agency Contact: John Cahill, Pay and Benefits Specialist, Office of Personnel Management, Personnel Systems and Oversight Group, Office of Pay and Performance Management, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206–AD69

3496. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None

Abstract: Final regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Analyze comments	07/15/89	
Final Action	11/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Gressman, Staff Attorney, Office of Government Ethics, Office of Personnel Management, P.O. Box 14108, Washington, DC 20044, 202 523-5757

RIN: 3206–AA93

3497. POST EMPLOYMENT CONFLICT OF INTEREST; 1988 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1988) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	11/05/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sid Smith, Staff Attorney, Office of Personnel Management, Office of Government Ethics, PO Box 14108, Washington, DC 20044, 202 523-5757

RIN: 3206–AD72

3498. ● RETIREMENT; BANKRUPTCY JUDGES AND MAGISTRATES

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 831; 5 CFR 841

Legal Deadline: None

Abstract: Interim regulations needed to implement Public Law 100-659, the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988. This Act establishes a new retirement system under title 28, United States Code, and requires coordination of benefits for judges with service

under the Civil Service and Federal Employees Retirement Systems.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H.T. Newland, Jr., Paralegal Specialist, Office of Retirement and Insurance Policy, Office of Personnel Management, Retirement and Insurance Group, 1900 E St.,NW.; Washington, DC 20415, **202 632-4682**

RIN: 3206–AD86

3499. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, and T

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule -- Revised	09/08/86	51 FR 31927
Interim Final Rule-- Revised	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Siegelman, Paralegal Specialist, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, **202 632-4682**

RIN: 3206–AB75

3500. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted Newland, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206–AB77

3501. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF L984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subpart Q

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of l984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act and provide procedures when there are competing claims from applicants for survivor benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule	09/08/86	51 FR 31927
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW, Washington, DC 20415, **202 632-4682**

RIN: 3206–AD48

3502. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, **202 632-4682**

RIN: 3206–AB35

3503. RETIREMENT; CREDITING PERSONAL SERVICE CONTRACT SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831; 5 CFR 842

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, provides qualifying employees and annuitants with an opportunity to credit certain service performed under the auspices of a personal services contract with a Federal agency. These regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/25/88	53 FR 42934
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Personnel

Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD59

3504. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 842; 5 CFR 846

Legal Deadline: None
New system took effect January 1, 1987.

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System, alternative annuities for FERS retirees under section 6001 of Public Law 100-203, and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/86	51 FR 47185
Interim Final Rule	01/16/87	52 FR 2056
Interim Final Rule	02/11/87	52 FR 4472
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-5560

RIN: 3206–AC94

3505. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/87	52 FR 4472
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5560

RIN: 3206–AD65

3506. RETIREMENT; FERS COST-OF-LIVING ADJUSTMENTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart G

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provides basic rules for adding cost-of-living adjustment (COLA's) to annuities of FERS retirees and their survivors. These regulations implement and clarify these provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/05/89	54 FR 36799
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD62

3507. RETIREMENT; FERS--ANNUAL PAY COMPUTATION FOR LESS THAN FULL-TIME EMPLOYEES

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841; 5 CFR 843

Legal Deadline: None

Abstract: These regulations provide a methodology for computing the amount of the basic employee death benefit under the Federal Employees' Retirement System (FERS) Act of 1986 for employees whose tour of duty is less than full time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16535
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD63

3508. RETIREMENT; FERS DISABILITY BENEFITS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 844

Legal Deadline: None

Abstract: These regulations implement Subchapter V of chapter 84, the Federal Employees' Retirement System Act disability provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/88	53 FR 33433
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted Newland, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20425, 202 632-4682

RIN: 3206–AD61

3509. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; ANNUAL RATES OF PAY FOR EMPLOYEES WHO WORK LESS THAN FULL TIME

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart C

Legal Deadline: None

Abstract: Regulations to establish a new method of arriving at annual rates of pay for life insurance purposes for employees on less than full-time schedules.

OPM **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40232
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD50

3510. FEDERAL EMPLOYEES HEALTH BENEFITS FOR FORMER SPOUSES OF CIA AND FOREIGN SERVICE EMPLOYEES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to implement Sections 302 and 303 of the Intelligence Authorization Act of 1986 and Sections 831 and 832 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, by describing the conditions under which certain former spouses of Central Intelligence Agency and Foreign Service employees, and former spouses of former employees of those agencies, previously omitted from spouse equity legislation may enroll in the Federal Employees Health Benefits (FEHB) Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/88	53 FR 45069
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD28

3511. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM/WITHDRAWAL OF CARRIER AND PLAN APPROVAL

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify OPM's minimum standards for a health plan's or carrier's participation in FEHB and OPM's right to withdraw approval, with due process.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7039
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD37

3512. HEALTH INSURANCE COVERAGE FOR CERTAIN TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: PL 100-654

CFR Citation: 5 CFR 890

Legal Deadline: Final, Statutory, March 14, 1989.

Abstract: Regulation to implement Title III of the Federal Employees Health Benefits (FEHB) Amendments Act of 1988 (Pub. L. 100-654) giving certain temporary employees, who were previously excluded, the opportunity to participate in the FEHB Program. The effective date is March 14, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/23/89	54 FR 7755
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret C. Randall, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD79

3513. DEBARMENTS, CIVIL MONETARY PENALTIES AND ASSESSMENTS IMPOSED ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF SERVICES OR SUPPLIES FOR CITED OFFENSES

Significance: Regulatory Program

Legal Authority: 5 USC 8913; PL 100-654

CFR Citation: 5 CFR 890, Subpart J

Legal Deadline: None

Abstract: Regulations to implement title I of Public Law 100-654, the "Federal Employees Health Benefits Amendments Act of 1988." Title I of Pub. L. 100-654 permits OPM to exclude from further participation in the FEHB Program any health care provider (1) convicted of fraud or various other cited examples of unethical professional conduct, or (2) determined by OPM to have committed various cited offenses against the FEHB Program. The above cited debarment authority is for an offense committed on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD76

3514. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TEMPORARY CONTINUATION OF COVERAGE

Significance: Regulatory Program

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart K

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: Regulations to permit temporary continuation of health benefits coverage for certain employees, children, and former spouses who would otherwise lose coverage due to loss of covered appointment, loss of status as

OPM

Final Rule Stage

unmarried dependent child, or dissolution of marriage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD66

3515. ● AMENDMENT TO ALJ REGULATIONS

Legal Authority: 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3323(b); 5 USC 3344; 5 USC 4301(2)(d); 5 USC 5335(a)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Legal Deadline: None

Abstract: OPM is proposing to amend its regulations governing the appointment, pay and removal of administrative law judges. The proposed amendment would permit an administrative law judge to transfer to another agency before completing 1 year of service, provided the losing agency agrees to a transfer. If both the gaining and losing agency agree to the transfer before the usually required 1 year of service following appointment is completed, such transfers should be permitted under the regulations, so that the gaining agency does not have to request a variation from established regulations to effect the transfer.

Timetable:

Action	Date	FR Cite
NPRM	07/25/89	54 FR 30898
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Craig B. Pettibone, Assistant Director, Administrative Law Judges, Office of Personnel Management, Career Entry and Employee Development Group, 1900 E St., NW; Washington, DC 20415, 202 632-5677

RIN: 3206–AD82

3516. COMPUTER SECURITY TRAINING

Legal Authority: PL 100-235

CFR Citation: 5 CFR 930, Subpart C

Legal Deadline: Final, Statutory, July 10, 1988.

Abstract: Regulations for government-wide training requirement in computer security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/13/88	53 FR 26562
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Loftis, Chief, Management and Oversight Division, Career Entry and Employee Development Group, Office of Personnel Management, 1121 Vermont Ave., NW., P.O. Box 7230, Washington, DC 20044, 202 632-0255

RIN: 3206–AD43

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Completed Actions

3517. AVAILABILITY OF OFFICIAL INFORMATION

CFR Citation: 5 CFR 294

Completed:

Reason	Date	FR Cite
Final Action	06/13/89	54 FR 25093
Final Action Effective	07/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy 202 632-0261

RIN: 3206–AD05

3518. ● CAREER AND CAREER-CONDITIONAL EMPLOYMENT

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 8151

CFR Citation: 5 CFR 315

Legal Deadline: None

Abstract: Regulations will amend section 315.603 to permit noncompetitive appointments of a former employee entitled to restoration following a compensable injury when the employee's position was brought into the competitive service either before the employee's separation for compensable injury or during his or her period of statutory restoration rights following such injury. Currently the regulations refer only to former employees entitled to restoration following military service.

Timetable:

Action	Date	FR Cite
Final Action	09/07/89	54 FR 37091
Final Action Effective	09/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum, Assistant Director, Office of Staffing Policy and Operations, Office of Personnel Management, Career Entry and Employee Development Group, 1900 E ST. NW.; Washington, DC 20415, 202 632-6817

RIN: 3206–AD81

3519. EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

Significance: Regulatory Program

CFR Citation: 5 CFR 317; 5 CFR 359; 5 CFR 430; 5 CFR 534; 5 CFR 752

Completed:

Reason	Date	FR Cite
Final Action	01/23/89	54 FR 2985

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kirke Harper 202 632-4486

RIN: 3206–AC81

3520. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

CFR Citation: 5 CFR 359

Completed:

Reason	Date	FR Cite
Final Action	05/03/89	54 FR 18873
Final Action Effective	06/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood 202 632-4486

RIN: 3206–AA21

3521. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

CFR Citation: 5 CFR 359

Completed:

Reason	Date	FR Cite
Final Action	05/03/89	54 FR 18873
Final Action Effective	06/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood 202 632-4486

RIN: 3206–AA23

3522. TRAINING

CFR Citation: 5 CFR 410

Completed:

Reason	Date	FR Cite
Final Action	06/02/89	54 FR 23631
Final Action Effective	07/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Loftis 202 632-0255

RIN: 3206–AD06

3523. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

CFR Citation: 5 CFR 432

Completed:

Reason	Date	FR Cite
Final Action	06/21/89	54 FR 26172
Final Action Effective	07/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tim Dirks 202 653-8551

RIN: 3206–AB21

3524. PREVAILING RATE SYSTEMS

CFR Citation: 5 CFR 532

Completed:

Reason	Date	FR Cite
Final Action	09/15/89	54 FR 38197
Final Action Effective	10/16/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Summers 202 632-7830

RIN: 3206–AC82

3525. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

CFR Citation: 5 CFR 831, Subpart M

Completed:

Reason	Date	FR Cite
Withdrawn	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester 202 632-4682

RIN: 3206–AB78

3526. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Completed:

Reason	Date	FR Cite
Withdrawn	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eleanor Goodwin 202 632-4634

RIN: 3206–AB80

3527. ADDITIONAL OPTIONAL LIFE INSURANCE AND FAMILY OPTIONAL LIFE INSURANCE UNDER THE FEDERAL EMPLOYEES LIFE INSURANCE PROGRAM (FEGLI)

CFR Citation: 5 CFR 872; 5 CFR 873

Completed:

Reason	Date	FR Cite
Withdrawn	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AD75

3528. REMOVING AGE 36 BARRIER FOR ELECTING/ADDING OPTION B LIFE INSURANCE COVERAGE AND OTHER MISCELLANEOUS CHANGES

CFR Citation: 5 CFR 872; 5 CFR 873

Completed:

Reason	Date	FR Cite
Final Action	09/07/89	54 FR 37092
Final Action Effective	10/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AD77

3529. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TECHNICAL CORRECTIONS

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Withdrawn	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers 202 632-4634

RIN: 3206–AB83

3530. DEFINITION OF MEDICARE ELIGIBLE INDIVIDUALS

CFR Citation: 5 CFR 890

OPM

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	05/25/89	54 FR 22575
Final Action Effective	06/26/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret C. Randall 202 632-4634

RIN: 3206–AD49

3531. CONVERSION PRIVILEGE FOR FAMILY MEMBERS WHO LOSE COVERAGE UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP)

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Withdrawn	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AD56

3532. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REENROLLMENT OF CERTAIN ANNUITANTS

CFR Citation: 5 CFR 890, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn Notice to be published	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AD23

3533. "ADJUSTED COMMUNITY RATING" AND PRICE ADJUSTMENTS FOR DEFECTIVE COMMUNITY RATING UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 48 CFR 16

Completed:

Reason	Date	FR Cite
Withdrawn	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercerr or John Ray 202 632-4634

RIN: 3206–AD74

[FR Doc. 89-21745 Filed 10-27-89; 8:45 am]

BILLING CODE 6325-01-T

Federal Register

Monday
October 30, 1989

Part XXXVI

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011-5000.

SUPPLEMENTARY INFORMATION: Executive Order 12291 "Federal Regulation" and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 89-12.

Dated: August 25, 1989.

Michael Rhode, Jr.,

Assistant to the Chairman and Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Prerule Stage

3534. ● RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 135

Legal Deadline: None

Abstract: In July 1982, 48 nations, representing more than 80 percent of world shipping, began implementing a new uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. Final implementation is scheduled for July 1994. The present Panama Canal measurement system is based upon the old national tonnage measurement system. The Panama Canal Commission is currently studying the possibility of adapting its tonnage measurement system to one which is compatible with the 1969 Convention. This would eliminate the need for vessels to be measured twice, once under the new system and again under the old system for Panama Canal assessment purposes. No timetable for rulemaking has been established.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, **202 634-6441**

RIN: 3207–AA23

PANAMA CANAL COMMISSION (PANAMA) — Proposed Rule Stage

3535. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR Chapter 35, (New)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to issue the Panama Canal Commission Acquisition Regulation (PAR) as Chapter 35 of Title 48 Code of Federal Regulations. The proposed PAR implements and supplements the Federal Acquisition Regulation (FAR), which is the primary acquisition regulation that governs the contracting process of all executive agencies or otherwise controls the relationship between such agencies and their contracts or prospective contractors. This action is necessary to provide regulatory coverage pertinent to Commission acquisitions that is not otherwise provided in the FAR.

Timetable:

Action	Date	FR Cite
NPRM	08/23/89	54 FR 35010
NPRM Comment Period End	10/23/89	54 FR 35010
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami 34011-5000, **202 634-6441**

RIN: 3207–AA10

PANAMA

Proposed Rule Stage

3536. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 22 USC 3622

CFR Citation: 35 CFR 255, (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to implement the Ethics in Government Act, the Commission's Code of Conduct as approved by its Board of Directors, and supplementary regulations that clarify certain provisions of the Code of Conduct.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn H. Twohy, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, 202 634-6441

RIN: 3207–AA16

3537. ● VESSELS CARRYING DANGEROUS CARGOES IN BULK: PROHIBITED CARGOES

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215; 45 FR 36043

CFR Citation: 35 CFR 113.29

Legal Deadline: None

Abstract: This regulation will spell out specifics on prohibited cargoes and certificates of fitness or certificates of compliance. Exceptions will also be considered.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. William Y. Clark II, Special Assistant to Marine Director, Marine Safety Unit, Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA22

PANAMA CANAL COMMISSION (PANAMA)

Final Rule Stage

3538. INSPECTION AND REGISTRATION OF VESSELS

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215; 44 USC 3501

CFR Citation: 35 CFR 121.2, (Revision); 35 CFR 121.3, (Revision); 35 CFR 121.41, (Revision); 35 CFR 121.43, (Revision); 35 CFR 121.45, (Revision); 35 CFR 121.47, (Revision); 35 CFR 121.58(a)(b), (Revision); 35 CFR 121.63, (Revision); 35 CFR 121.65(a)(b), (Revision); 35 CFR 121.66, (Revision); 35 CFR 121.67, (Revision); 35 CFR 121.68, (Revision); 35 CFR 121.69, (Revision); 35 CFR 121.70, (Revision); 35 CFR 121.71, (Revision); ...

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to make procedural changes to bring its regulations into conformity with internal reorganization which changed units responsible for inspection and registration of vessels and to bring vessel equipment requirements into compliance with International Regulations for Preventing Collisions at Sea, 1972.

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27030
NPRM Comment Period End	07/27/89	54 FR 27030
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. William Y. Clark, II, Special Assistant to Marine Director, (Marine Safety Unit), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA18

3539. DANGEROUS CARGOES RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 113.3(a), (Revision); 35 CFR 113.4(a), (Revision); 35 CFR 113.5, (Revision); 35 CFR 113.21, (Revision); 35 CFR 113.22, (Revision); 35 CFR 113.26(a), (Revision); 35 CFR 113.29(b), (Revision); 35 CFR 113.29(c), (Revision); 35 CFR 113.42, (Revision); 35 CFR 113.43(c), (Revision); 35 CFR 113.45, (Revision); 35 CFR 113.49(b)(c), (Revision); 35 CFR 113.50(c)(e)(1)(2), (Revision); 35 CFR 123.4(a), (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to make minor technical changes and clarifications.

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27030
NPRM Comment Period End	07/27/89	54 FR 27030
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William Y. Clark II, Special Assistant to Marine Director, (Marine Safety Unit), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA19

3540. ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 22 USC 3811

CFR Citation: 35 CFR 101.10(e), (Revision); 35 CFR 101.10(f), (Revision)

Legal Deadline: None

Abstract: The purpose of the proposed changes is to make minor technical corrections by requiring that cargo manifests and loading plans show international Maritime Organization Division in addition to class.

PANAMA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/27/89	54 FR 27030
NPRM Comment Period End	07/27/89	54 FR 27030
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William Y. Clark II, Special Assistant to Marine Director, (Marine Safety Unit), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA20

PANAMA CANAL COMMISSION (PANAMA)

Completed Actions

3541. TOLLS FOR USE OF CANAL

Significance: Agency Priority

CFR Citation: 35 CFR 133, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	08/23/89	54 FR 35148
Final Action Effective	10/01/89	54 FR 35148

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael Rhode, Jr. 202 634-6441

RIN: 3207–AA04

3542. TOLLS FOR USE OF CANAL; RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

CFR Citation: 35 CFR 133.32; 35 CFR 133.34; 35 CFR 135.285(a); 35 CFR 135.352

Completed:

Reason	Date	FR Cite
Final Action	08/23/89	54 FR 35148
Final Action Effective	10/01/89	54 FR 35148

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr. 202 634-6441

RIN: 3207–AA17

3543. ● PAPERWORK REDUCTION ACT; OMB-APPROVED COLLECTIONS OF INFORMATION

Legal Authority: 22 USC 3811; EO 12215; 44 USC 3501

CFR Citation: 35 CFR 103.1; 35 CFR 117.4; 35 CFR 135.1; 35 CFR 135.2; 35 CFR 135.443; 35 CFR 135.484

Legal Deadline: None

Abstract: In accordance with the requirements of the Paperwork Reduction Act of 1980 (PL 96-511), as amended, that agencies publish Office of Management and Budget (OMB) control numbers assigned to their collections of information contained in regulations, the Panama Canal Commission is amending Parts 103, 117, and 135 of Title 35, Code of Federal Regulations to reflect current OMB numbers.

Timetable:

Action	Date	FR Cite
Final Action	07/12/89	54 FR 29335
Final Action Effective	07/12/89	54 FR 29335

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barbara A. Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, 2000 L Street NW., Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA21

[FR Doc. 89-21746 Filed 10-27-89; 8:45 am]

BILLING CODE 3640-04-T

Federal Register

Monday
October 30, 1989

Part XXXVII

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from October 1, 1989, through September 30, 1990. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 1990 K Street NW., Washington, DC 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 "Federal Regulations" and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291, and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory analysis is required under 5 U.S.C. 602.

Dated: September 1, 1989.

Margaret H. Thome,

Associate Director for Management.

PEACE CORPS (PEACE)

Proposed Rule Stage

3544. DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Legal Deadline: None

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orinda R. Nelson, Equal Employment Manager, Peace Corps, 1990 K Street, NW, Room 5050, Washington, DC 20526, 202 254-7526

RIN: 0420–AA02

3545. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504–HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Scales, General Counsel, Peace Corps, 1990 K Street, NW, Room 8302, Washington, DC 20526, 202 254-3114

RIN: 0420–AA03

PEACE CORPS (PEACE)

Completed Actions

3546. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

CFR Citation: 22 CFR 310

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 0420-AA02	08/21/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Orinda R. Nelson 202 254-7526

RIN: 0420–AA01

[FR Doc. 89-22487 Filed 10-27-89; 8:45 am]

BILLING CODE 6051-01-T

federal register

Monday
October 30, 1989

Part XXXVIII

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue NW., Washington, DC 20004; (202) 724-9088.

Dated: September 5, 1989.

M. J. Brodie,

Executive Director.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

3547. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208–AA01

3548. DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911, (New)

Legal Deadline: None

Abstract: The Corporation is studying ways to apply past experience to update its development policies and procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208–AA06

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Completed Actions

3549. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Significance: Agency Priority

CFR Citation: 36 CFR 904

Completed:

Reason	Date	FR Cite
Final Action	03/02/89	54 FR 8912
Final Action Effective	04/02/89	54 FR 8912

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Reginald Robinson 202 724-9068

RIN: 3208–AA09

[FR Doc. 89-22488 Filed 10-27-89; 8:45 am]

BILLING CODE 6820-AE-T

Federal Register

Monday
October 30, 1989

Part XXXIX

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. Ronald Goldstein, Senior Counsel, Office of the General Counsel, 202-778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive order. The Regulatory Flexibility Act, Pub. L. 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 89-12) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Douglas R. Cannon,

Acting Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Proposed Rule Stage

3550. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Publication of this proposed regulation was delayed because of the need to revise the portions dealing with waiver of a multiemployer plan's contingent liability to reflect certain changes in related statutory provisions made by the Single-Employer Pension Plan Amendments Act of 1986. Work on this rule was subsequently deferred because the enactment of SEPPAA and the 1987 Pension Protection Act amendments required that staff be reassigned to work on higher priority regulations necessitated by those laws.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA20

3551. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1367(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
NPRM Comment Period End	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA38

3552. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: 29 CFR 2624

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA35

3553. EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS: INTEREST RATE

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364 (Supp. V 1987); 29 USC 1367 to 1368 (Supp. V 1987)

CFR Citation: 29 CFR 2622

Legal Deadline: None

Abstract: The PBGC's employer liability regulation incorporates by reference the interest rate charged under section 6601 of the Internal Revenue Code as the interest rate charged, or credited, on late payments, or overpayments, of employer liability. The Tax Reform Act of 1986 significantly changed the way in which the section 6601 rate is established and creates two interest rates: one for underpayments and another, lower rate for overpayments. Because of these changes, the PBGC plans to conduct a new rulemaking proceeding to determine whether it should continue to use the section 6601 interest rates under the employer liability regulation or whether it should adopt a new rate(s) for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Therese Cleary, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8823

RIN: 1212–AA48

3554. PAYMENTS BY PBGC OF UNFUNDED NONGUARANTEED BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322(c) (Supp. V 1987)

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The Pension Protection Act repealed ERISA section 4049 and 4062(c). Those provisions established new employer liability to plan participants and beneficiaries in the event of a distress termination or involuntary termination by the PBGC of a plan without sufficient assets to pay all benefit commitments; the section 4049 trust was the vehicle for collecting and distributing these liability amounts. This system proved flawed in several respects, however, and Congress therefore created a new scheme by which to channel employer liability recoveries to plan participants and beneficiaries, amended ERISA section 4022(c).

Under section 4022(c), participants no longer have a direct claim for employer liability. Instead, the PBGC's claim covers both its shortfall (unfunded guaranteed benefits) and participants' losses (unfunded benefit liabilities in excess of guaranteed benefits). In turn, the PBGC is to pay a portion of its employer liability recovery to participants and beneficiaries. The amount to be paid is based on the PBGC "recovery ratio" (as defined in amended sec. 4022(c)(3)).(cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This new statutory rule contains several ambiguities and also leaves to the PBGC the development of specific rules and procedures necessary to make this system work. The regulation will, for example, contain rules on how the PBGC will value its employer liability recoveries for purposes of computing the recovery ratio, whether the allocation of amounts payable under this provision will be done as part of the regular section 4044 asset allocation, and whether the PBGC will pay these benefits by increasing the amount of annuity payments it is making to participants or making lump sum payments.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA54

PBGC **Proposed Rule Stage**

3555. RETIREMENT EQUITY ACT AMENDMENTS - VALUATION OF PLAN BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341 (Supp. V 1987)

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The Retirement Equity Act of 1984 ("REA") requires plans to provide certain benefits, prohibits the elimination of benefit options and certain early retirement benefits and retirement- type subsidies, and mandates the range of interest rates that may be used in calculating the amount of a non-consensual lump sum benefit. The Tax Reform Act of 1986 ("TRA '86") slightly modified the interest rate restrictions and extended them to the calculation of all lump sum benefits.

These rules necessitate several amendments to the PBGC's valuation of benefits regulation (29 CFR Part 2619). The major changes will address the rules on determining the form of benefit to be valued on plan termination and the interest rate rules for lump sum payments in standard terminations.

The PBGC had planned to issue the amendments to the valuation of benefits regulation concurrently with the two revised termination regulations. However, work on these amendments has been delayed pending PBGC's efforts with the Internal Revenue Service to develop a definition of the term "benefit liabilities", which was introduced by the Pension (cont.)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Interim Final Rule	06/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: (Cont'd Abstract) Protection Act. So as not to delay further the issuance of the termination regulations, the PBGC has dropped its plans to issue all of these rules simultaneously.

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212-AA55

PENSION BENEFIT GUARANTY CORPORATION (PBGC) Final Rule Stage

3556. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1388(e)(3)

CFR Citation: 29 CFR 2646

Legal Deadline: None

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21319
NPRM Comment Period End	08/04/87	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212-AA22

3557. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

PBGC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/06/87	52 FR 37329
NPRM Comment Period End	12/07/87	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, **202 778-8824**

RIN: 1212–AA37

3558. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642 (Amendment)

Legal Deadline: None

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43082
NPRM Comment Period End	01/08/88	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, **202 778-8850**

RIN: 1212–AA39

3559. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c) (Supp. V 1987)

CFR Citation: 29 CFR 2616

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, a plan may voluntarily terminate only if the termination satisfies the statutory conditions for a standard or distress termination. These rules were further modified by the 1987 Pension Protection Act, which increased the benefits that must be provided, or for which the employer maintaining the plan is liable, upon plan termination. Thus, under current law, unless a plan has sufficient assets to satisfy all plan benefit liabilities, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and all members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, they are unable to continue to maintain the plan. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:

The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Although the notice of proposed rulemaking for this regulation was

PBGC

Final Rule Stage

issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA41

3560. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(b) (Supp. V 1987); 29 USC 1344 (Supp. V 1987)

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under ERISA Section 4041, as amended by the Single-Employer Pension Plan Amendments Act of 1986 and the Pension Protection Act, absent a showing of financial hardship or unduly burdensome pension costs that would satisfy the requirements for a distress termination, a single-employer plan may be voluntarily terminated only if it is sufficient for all benefit liabilities (i.e., all benefits provided under the plan on the termination date, whether or not vested). This is referred to as a "standard" termination. SEPPAA also modified many of the termination rules and procedures that applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing the new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617). (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	03/00/90	
Final Action Effective	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA47

3561. MISCELLANEOUS SEPPAA/PPA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1341 to 1344 (Supp. V 1987); 29 USC 1362 to 1364 (Supp. V 1987); 29 USC 1367 to 1368 (Supp. V 1987)

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") and the Pension Protection Act ("PPA") made several changes in Title IV rules and procedures that affect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to the current law. For example, because SEPPAA altered the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contained, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA and the PPA significantly changed the rules on employer liability to the PBGC in distress and involuntary terminations. Now, an employer is liable to the PBGC for the total plan underfunding, (cont)

Timetable:

Action	Date	FR Cite
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: i.e., for all unfunded benefit liabilities. Further, the 30 percent of net worth limitation is now relevant only in determining the amount subject to PBGC's statutory lien and the status of PBGC's claim in bankruptcy. The employer liability regulation needs to be amended to reflect these changes.

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA50

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

Completed Actions

3562. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341A ERISA; 29 USC 1441 ERISA

CFR Citation: 29 CFR 2675

Legal Deadline: None

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24536
NPRM Comment Period End	09/05/86	
Final Action	07/11/89	54 FR 29025
Final Action Effective	08/10/89	54 FR 29025

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, **202 778-8850**

RIN: 1212–AA19

3563. PAYMENT OF PREMIUMS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307; PL 100-203, Sec 9331

CFR Citation: 29 CFR 2610

Legal Deadline: None

Abstract: The Pension Protection Act substantially altered the rules pertaining to single-employer plan premiums that are paid to the PBGC. Under the Act, there is a flat per capita charge (increased from that under prior law) plus a new variable rate charge tied to the value of a plan's unfunded vested benefits. The new premium rules are effective for plan years beginning after December 31, 1987.

On June 30, 1988, the PBGC issued an interim regulation implementing these rules. Because of the need to issue the regulation quickly to provide guidance for 1988 premium payments, the PBGC did not solicit public comment before issuing the regulation. For the same reason, the interim regulation did not address certain relevant, but secondary, issues pertaining to the new rules. Therefore, on October 5, 1988, the PBGC issued a notice of proposed rulemaking in order to permit public comment on the interim regulation. The NPRM also addressed problems or questions raised by the public in response to the interim regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/88	53 FR 24906
NPRM	10/05/88	53 FR 39200
NPRM Comment Period End	12/05/88	
Final Action	07/10/89	54 FR 28944
Final Action Effective	07/10/89	54 FR 28944

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The PBGC expects to issue the final regulation in June 1989, effective for 1989 premium payment. As set forth in the proposed regulation, the final regulation will contain some new provisions further simplifying the rules for determining a plan's unfunded vested benefits and excluding more plans from having to calculate unfunded vested benefits.

Agency Contact: Mr. Harold Ashner, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW. Washington, D.C. 20006, **202 778-8823**

RIN: 1212–AA53

[FR Doc. 89-21747 Filed 10-27-89; 8:45 am]

BILLING CODE 7708-01-T

Federal Register

Monday
October 30, 1989

Part XL

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: August 24, 1989.
By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3564	Determining Disability	3220-AA01
3565	Eligibility for an Annuity	3220-AA15
3566	Recovery of Overpayments	3220-AA44
3567	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
3568	Computing Employee, Spouse, and Divorced Spouse Annuities	3220-AA58
3569	Survivor Annuity Computations	3220-AA59
3570	Social Security Overall Minimum	3220-AA60
3571	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3572	Medicare	3220-AA64
3573	Exhaustion of Rights to Benefits	3220-AA67
3574	Remuneration	3220-AA68
3575	Railroad Employers' Reports and Responsibilities; Lump-Sum Payments	3220-AA69
3576	Military Service	3220-AA70
3577	Qualified Employee	3220-AA71
3578	Monthly Compensation Base	3220-AA72
3579	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from Such Determinations	3220-AA73
3580	Voluntary Quit	3220-AA75
3581	Mileage or Work Restrictions and Stand-By or Lay-Over Rules	3220-AA76
3582	Employers' Contributions and Contribution Reports	3220-AA79
3583	Determination of Daily Benefit Rates	3220-AA82

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3584	Sickness Benefits	3220-AA45
3585	Employees Under the Railroad Retirement Act	3220-AA52
3586	General Administration; Miscellaneous	3220-AA56
3587	Family Relationships	3220-AA57
3588	Available for Work	3220-AA65
3589	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals From Such Determinations; Recovery of Benefits	3220-AA77

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3590	Annuity Beginning and Ending Dates	3220-AA13
3591	Evidence Required for Payment	3220-AA14

RRB

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3592	Application for Annuity or Lump Sum	3220-AA16
3593	Registration for Railroad Unemployment Benefits	3220-AA74
3594	Contributions Under Special Transition Rule for Public Commuter Railroads	3220-AA78

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

3564. DETERMINING DISABILITY

Significance: Regulatory Program

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220; 20 CFR 208; 20 CFR 230; 20 CFR 260

Legal Deadline: None

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. As revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	08/04/89	54 FR 32164
NPRM Comment Period End	10/03/89	54 FR 32164
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Grace Koester, Regulations Project Director, Bureau of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4793

RIN: 3220–AA01

3565. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA15

3566. RECOVERY OF OVERPAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments must be recovered under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA44

3567. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board's regulations with respect to employer status have not been updated in recent years and may, in some respects, be obsolete. Parts 202 and 301 are being amended to conform them to current law, delete obsolete provisions, and to simplify and clarify the language of these parts.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA51

3568. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Railroad Retirement Board's regulations on the computation of employee, spouse, and divorced spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act

made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA58

3569. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(f)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974, and amendments to that Act made in 1981 and 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA59

3570. SOCIAL SECURITY OVERALL MINIMUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 229 to describe when the social security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA60

3571. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA61

3572. MEDICARE

Legal Authority: 45 USC 231f(d)

CFR Citation: 20 CFR 238

Legal Deadline: None

Abstract: The Board proposes to add this part to explain its role in the administration of medicare benefits to qualified railroad retirement beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA64

3573. EXHAUSTION OF RIGHTS TO BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 336

Legal Deadline: None

Abstract: This proposed amendment will remove obsolete provisions and clarify the meaning of the term extended benefit period as provided for in section 2(c) of the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA67

3574. REMUNERATION

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 322

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 322 of its regulations under the Railroad Unemployment Insurance Act to remove obsolete language and to clarify the meaning of remuneration in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA68

3575. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES; LUMP-SUM PAYMENTS

Legal Authority: 45 USC 231(f)

CFR Citation: 20 CFR 209; 20 CFR 234

Legal Deadline: None

Abstract: Provides for payment of a new lump-sum benefit as authorized by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA69

3576. MILITARY SERVICE

Legal Authority: 45 USC 231(f)

CFR Citation: 20 CFR 212

Legal Deadline: None

Abstract: Adds additional period for which military service is creditable under the Railroad Retirement Act as provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA70

3577. QUALIFIED EMPLOYEE

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 317

Legal Deadline: None

Abstract: This new Part explains how an individual qualifies for benefits under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA71

3578. MONTHLY COMPENSATION BASE

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 318

Legal Deadline: None

Abstract: This new Part will explain how the monthly compensation base is computed under the Railroad Unemployment Insurance Act and its effect on benefits under that statute.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA72

3579. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 320

Legal Deadline: None

Abstract: Part 320 is being revised to provide for employer intervention rights provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA73

3580. VOLUNTARY QUIT

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 328

Legal Deadline: None

Abstract: A new Part 328 is being added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA75

3581. MILEAGE OR WORK RESTRICTIONS AND STAND-BY OR LAY-OVER RULES

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 332

Legal Deadline: None

Abstract: Part 332 is being amended to provide that an employee in interdivisional service will be considered to have a regular assignment and thus not eligible for unemployment insurance benefits on days when the employee is standing by or laying over between assignments.

Timetable:

Action	Date	FR Cite
NPRM	09/06/89	54 FR 37007
NPRM Comment Period End	10/06/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law,

RRB — Proposed Rule Stage

Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA76

3582. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 345

Legal Deadline: None

Abstract: Part 345 is being revised to reflect experience rating as provided for in the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, P.L. 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA79

3583. DETERMINATION OF DAILY BENEFIT RATES

Legal Authority: 45 USC 362(i); 45 USC 362(l)

CFR Citation: 20 CFR 330

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 330 of its regulations under the Railroad Unemployment Insurance Act. Part 330 sets forth the Board's procedures for computing (1) an employee's daily benefit rate for a given benefit year, and (2) the maximum daily benefit rate authorized by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Walter P. Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4750

RIN: 3220–AA82

RAILROAD RETIREMENT BOARD (RRB) — Final Rule Stage

3584. SICKNESS BENEFITS

Legal Authority: 45 USC 362; 45 USC 355

CFR Citation: 20 CFR 335

Legal Deadline: None

Abstract: Part 335 is being amended to delete obsolete provisions and to simplify and clarify the language of that part.

Timetable:

Action	Date	FR Cite
NPRM	06/07/89	54 FR 24357
NPRM Comment Period End	07/07/89	54 FR 24357
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4750

RIN: 3220–AA45

3585. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board's regulations with respect to employee status have not been updated in recent years and may, in some respects, be obsolete. Part 203 is being amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	54 FR 318
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA52

3586. GENERAL ADMINISTRATION; MISCELLANEOUS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 200; 20 CFR 262

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) amends 20 CFR Part 200 to move sections of Part 262 into Part 200 to place these regulations more appropriately under General Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24193
NPRM Comment Period End	08/07/89	54 FR 24193
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA56

3587. FAMILY RELATIONSHIPS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) adds 20 CFR Part 222 to define any family relationship requirements needed to establish eligibility and entitlement for any monthly annuity or lump-sum payment under the Railroad Retirement Act of 1974.

RRB

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/06/89	54 FR 24196
NPRM Comment Period End	08/07/89	54 FR 24196
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA57

3588. AVAILABLE FOR WORK

Legal Authority: 45 USC 362(b)

CFR Citation: 20 CFR 327

Legal Deadline: None

Abstract: This proposed rule will amplify the meaning of "available for work" under the Railroad Unemployment Insurance Act in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	08/03/89	54 FR 31968
NPRM Comment Period End	09/05/89	54 FR 31968
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA65

3589. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS; RECOVERY OF BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 320; 20 CFR 340

Legal Deadline: None

Abstract: Parts 320 and 340 are being revised to further define when waiver of an overpayment will be required under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	06/20/89	54 FR 25877
NPRM Comment Period End	07/20/89	54 FR 25877
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA77

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

3590. ANNUITY BEGINNING AND ENDING DATES

CFR Citation: 20 CFR 218

Completed:

Reason	Date	FR Cite
Final Action	07/24/89	54 FR 30723
Final Action Effective	07/24/89	54 FR 30723

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA13

3591. EVIDENCE REQUIRED FOR PAYMENT

CFR Citation: 20 CFR 219

Completed:

Reason	Date	FR Cite
Final Action	08/03/89	54 FR 31939
Final Action Effective	08/03/89	54 FR 31939

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA14

3592. APPLICATION FOR ANNUITY OR LUMP SUM

CFR Citation: 20 CFR 217

Completed:

Reason	Date	FR Cite
Final Action	04/03/89	54 FR 13362
Final Action Effective	04/03/89	54 FR 13362

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA16

3593. REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS

CFR Citation: 20 CFR 325

Completed:

Reason	Date	FR Cite
Final Action	06/08/89	54 FR 24551
Final Action Effective	06/08/89	54 FR 24551

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA74

3594. CONTRIBUTIONS UNDER SPECIAL TRANSITION RULE FOR PUBLIC COMMUTER RAILROADS

CFR Citation: 20 CFR 344

Completed:

Reason	Date	FR Cite
Final Action	06/20/89	54 FR 25846
Final Action Effective	06/20/89	54 FR 25846

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220-AA78

[FR Doc. 89-21748 Filed 10-27-89; 8:45 am]

BILLING CODE 7905-01-T

Federal Register

Monday
October 30, 1989

Part XLI

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*). This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Dated: August 8, 1989.

Samuel K. Lessey, Jr.,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS)

Prerule Stage

3595. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240–AA01

[FR Doc. 89-19911 Filed 10-27-89; 8:45 am]

BILLING CODE 8015-01-T

Federal Register

Monday
October 30, 1989

Part XLII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 21st semiannual agenda of regulations. Although not a regulatory agency, SBA has attempted to draft agendas that meet both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA's overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street NW., Washington, DC 20416; (202) 653-6644.

SUPPLEMENTARY INFORMATION: The SBA agenda contains many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the 12-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: August 25, 1989.

Susan Engeleiter,

Administrator.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3596	Small Business Investment Company Regulations: Compliance Audits	3245-AB07
3597	Small Business Investment Companies	3245-AB29
3598	Small Business Institutes - Counseling Fees	3245-AB32
3599	Loans to State and Local Development Companies	3245-AB35
3600	Nondiscrimination in Federally-Assisted Programs	3245-AB36
3601	Nondiscrimination in Financial Assistance Programs	3245-AB37
3602	User Fees for SBA Programs	3245-AB44
3603	Procurement: Subcontracting Limitations	3245-AB62
3604	Accrual of Interest Payable by SBA in Secondary Market	3245-AB69
3605	Small Business Size Regulation	3245-AB88
3606	State and Local Development Companies	3245-AB90
3607	Homestead Protection for Farmers	3245-AB91
3608	Disaster Loans	3245-AB97

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3609	Certificate of Competency	3245-AA74
3610	Regulations Applying Small Business Size Standards	3245-AA84
3611	Small Business Investment Companies	3245-AB12
3612	Small Business Development Centers	3245-AB17
3613	Small Business Size Standards: Residual Size Standards	3245-AB57
3614	Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110	3245-AB67
3615	Surety Bond Guarantee	3245-AB77
3616	Business Loans	3245-AB81
3617	Business Loan Policy	3245-AB84
3618	Business Loan Policy	3245-AB85
3619	Business Loan Policy	3245-AB86
3620	Small Business Size Regulations	3245-AB87

SBA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3621	Small Business Size Standards for Natural Gas Distribution	3245-AB94
3622	Business and Disaster Loans	3245-AB99

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3623	Size Standards, Export Trading Companies	3245-AA83
3624	Size Standards: Timber Industry	3245-AB34
3625	Small Business Size Standards: Nonmanufacturers	3245-AB58
3626	Business Loans, Fees	3245-AB71
3627	Small Business Size Standards: Size Standard for Commodity Contracts Brokers and Dealers	3245-AB72
3628	Minority Small Business and Capital Ownership Development	3245-AB76
3629	Business Loans	3245-AB82
3630	Loans to State and Local Development Companies; Minimum Amount of Pool Certificates	3245-AB89
3631	Business Loans	3245-AB92
3632	Management Assistance; International Trade	3245-AB93
3633	Standards of Conduct	3245-AB95
3634	8(a) Program Conforming Amendments	3245-AB96
3635	Business Loans for 8(a) Program Participants	3245-AB98

SMALL BUSINESS ADMINISTRATION (SBA)

Proposed Rule Stage

3596. SMALL BUSINESS INVESTMENT COMPANY REGULATIONS: COMPLIANCE AUDITS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Establishment of new system of periodic compliance audits of small business investment companies by independent certified public accountants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
NPRM Comment Period End	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Peyser, Counsel to the Inspector General, Small Business Administration, 1441 L Street, NW, Room 1018, Washington, DC 20416, 202 653-6370

RIN: 3245–AB07

3597. SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Major revision to Part 107 of title 13 governing Small Business Investment Companies. The regulation will cover changes to ownership or control of a licensee, definition of private capital, deposits and investments of idle funds, other permissible financing, leverage for Section 301(d) SBICs, definition of small business concern , control of small concern, operational requirements, cost of money, funds to licensee, conflicts of interest provisions, redemptions, commitments, the purchase, sale or guarantee of securities evidencing leverage, and the filing of SBA Form 468.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph L. Newell, Director, Office of Investment, Small Business Administration, 1441 L Street,N.W., Room 808, Washington, DC 20416, 202 653-6584

RIN: 3245–AB29

3598. SMALL BUSINESS INSTITUTES - COUNSELING FEES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: User fees for training (management and/or technical) conducted by SBA cosponsors under the Small Business Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) prohibits SBA from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: John Cox, Associate Administrator for Business, Development, Small Business Administration, 1441 L Street, N.W., Room 317, Washington, D.C. 20416, 202 653-6881

RIN: 3245–AB32

3599. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Complete revision of the Section 502 local development company rules.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, D.C. 20416, 202 653-6416

RIN: 3245–AB35

3600. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, 202 653-6050

RIN: 3245–AB36

3601. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681, et seq.; 29 USC 794

CFR Citation: 13 CFR 113

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, 202 653-6050

RIN: 3245–AB37

3602. USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC App. 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database, guaranty of debentures issued by Small Business Investment Companies, guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations, application to the Minority Small Business (Section 8(a)) Program, training sponsored by the Service Corps of Retired Executives (SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs, counseling by Small Business Institutes and application for a Certificate of Competency.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The Small Business Administration is prohibited under the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: Ramona Powell, Attorney Adviser, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6437

RIN: 3245–AB44

3603. PROCUREMENT: SUBCONTRACTING LIMITATIONS

Legal Authority: PL 99-591; PL 99-661; 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Guidelines for application of subcontracting limitations imposed by Public Laws 99-591 and 99-661.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB62

3604. ACCRUAL OF INTEREST PAYABLE BY SBA IN SECONDARY MARKET

Legal Authority: 15 USC 634(f); 15 USC 634(g); 15 USC 634(h); 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: The proposed regulation would spell out the process of calculating accrued interest payable by SBA to an investor. The payment by SBA is triggered by a borrower defaulting on an SBA guaranteed loan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Allan S. Mandel, Assistant Deputy Associate Administrator, for Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB69

3605. SMALL BUSINESS SIZE REGULATION

Legal Authority: 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: Rule to establish procedures for requesting/granting waivers to the nonmanufacturers rule when there are no small business manufacturers in the Federal market.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB88

3606. ● STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: PL 100-590

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This proposed rulemaking would define "rural" areas pursuant to PL 100-590. Further, the deposit required on loan applications would be increased, and self-dealing by borrowers would be prohibited. Alter ego leases would be permitted to be divided into an initial period plus options to save recordation fees for long-term leases. Finally, certified development companies would be permitted to be compensated.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Wayne S. Foren, Director, Office of Economic Development, Small Business Administration, 1441 L Street, N.W., Room 720-A, Washington, DC 20416, 202 653-6416

RIN: 3245–AB90

3607. ● HOMESTEAD PROTECTION FOR FARMERS

Legal Authority: 7 USC 2000; 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: Amendments to 13 CFR 120 necessitated by amendments to 7 USC 2000 which provide exemptions from foreclosure to farmers on qualified homestead property.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Earl Chambers, Director, Office of Portfolio Management, Small Business Administration, 1441 L Street, N.W., Room 816, Washington, DC 20416, 202 653-6860

RIN: 3245–AB91

3608. ● DISASTER LOANS

Legal Authority: PL 100-590; 15 USC 634(b)(6)

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Amend disaster loan regulations to incorporate the amendments made by Pl 100-590 and certain other changes, including dropping the Real Estate Settlement Procedures Act (RESPA) requirements pursuant to an exemption, clarifying certain portions of the regulations, and eliminating the requirement for disaster victims seeking State grants to first obtain a certificate of ineligibility from SBA.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Bernard Kulik, Deputy Associate Administrator for, Disaster Assistance, Small Business Administration, 1441 L Street, N.W., Room 820, Washington, DC 20416, 202 653-6879

RIN: 3245–AB97

SMALL BUSINESS ADMINISTRATION (SBA)

Final Rule Stage

3609. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Overall revision to Certificate of Competency regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22015
NPRM Comment Period End	08/12/88	
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW, Room 600, Washington, DC 20416, 202 653-6582

RIN: 3245–AA74

3610. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32870
NPRM Comment Period End	10/30/87	
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245–AA84

3611. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Other, Statutory, June 7, 1986.

Abstract: Establishment of mechanism for selling to the public certificates of interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245–AB12

3612. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment period extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	01/27/87	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) prohibits the Small Business Administration from using appropriated funds to adopt or implement any rules or regulations for the Small Business Development Center program. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: Janice Wolfe, Associate Administrator for Small, Business Development Centers, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6768

RIN: 3245–AB17

3613. SMALL BUSINESS SIZE STANDARDS: RESIDUAL SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for industries for which no size standard has been previously established.

Timetable:

Action	Date	FR Cite
NPRM	02/09/89	54 FR 6298
NPRM Comment Period End	03/13/89	
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB57

3614. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	11/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small

Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6573

RIN: 3245–AB67

3615. SURETY BOND GUARANTEE

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 687(c); 15 USC 694(d); PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: Final, Statutory, May 2, 1989.

Abstract: This regulation implements changes necessitated by the Preferred Surety Bond Guarantee Program Act of 1988, Title II of Pub. L. 100-590. The regulation changes the method of computing the guarantee fee charged by SBA to the surety from a flat dollar amount to 20 percent of the premium. It also provides for additional guarantee fees or refunds, whenever the contract amount is increased or decreased in excess of 25 percent or $50,000, whichever is less.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/89	54 FR 19545
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: James W. Parker, Jr., Director, Office of Surety Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, VA 22203, 703 235-2900

RIN: 3245–AB77

3616. BUSINESS LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); PL 100-590

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: This regulation implements statutory changes contained in the Small Business Administration Reauthorization Act (PL 100-590) which authorizes SBA to guaranty loans of up to $1,000,000 to finance pollution control facilities.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/89	54 FR 18300
ANPRM Comment Period End	05/30/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Everett Sheil, Director, Office of Business Loans, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6470

RIN: 3245–AB81

3617. BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This regulation is designed to implement a limit, by SBA, in its guaranty of a Preferred Lenders Program loan to no more than 5 percentage points below the percent guaranteed for other loans. The regulation would also limit the Preferred Lenders Program to loans over $155,000, and would prohibit preferred lenders from selling all or part of the unguaranteed portion of the loan.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 15952
NPRM Comment Period End	06/19/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB84

3618. BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This regulation implements a provision of the Small Business Administration Reauthorization Act (PL 100-590) which establishes a certified lenders program.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18529
NPRM Comment Period End	05/31/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB85

3619. BUSINESS LOAN POLICY

Legal Authority: 15 USC 636; PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This proposed rule would implement a provision of the Small Business Administration Reauthorization and Amendment Act (PL 100-590). The legislation authorizes Certified and Preferred Lender to keep one-half of the two percent guaranty fee chargeable to borrowers for loans of $50,000 or less with maturities in excess of one year.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9233
NPRM Comment Period End	04/05/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Assistant Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB86

3620. SMALL BUSINESS SIZE REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); PL 100-590

SBA — **Final Rule Stage**

CFR Citation: 13 CFR 121

Legal Deadline: NPRM, Statutory, March 15, 1989. Final, Statutory, May 3, 1989.

Abstract: The rule would clarify the eligibility of nonprofit organizations operated for the benefit of the blind and severely handicapped for Federal procurements restricted to small businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	
Final Action	10/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Robert J. Moffitt, Acting Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB87

3621. ● SMALL BUSINESS SIZE STANDARDS FOR NATURAL GAS DISTRIBUTION

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: SBA is imposing a size standard of 500 employees for a new 8(a) program for the recently deregulated natural gas distribution industry firms which now compete for Federal natural gas contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/25/88	53 FR 47663
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB94

3622. ● BUSINESS AND DISASTER LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); 15 USC 636(h); PL 100-590; 31 USC 3717(e)

CFR Citation: 13 CFR 120; 13 CFR 123

Legal Deadline: None

Abstract: This rule would allow SBA to recover its collection costs from borrowers who have failed to satisfy their loan agreements and to assess additional penalties permitted by law.

Timetable:

Action	Date	FR Cite
NPRM	08/28/89	54 FR 35499
NPRM Comment Period End	09/27/89	
Final Action	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for, Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, DC 20416, 202 653-6574

RIN: 3245–AB99

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

3623. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20857
NPRM Comment Period End	08/08/88	
Final Action	06/12/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: It was determined that a separate size standard for Export Trading Companies was unnecessary because the Wholesale Size Standard adequately covers these companies. A formal notice of withdrawal will be published in the Federal Register.

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245–AA83

3624. SIZE STANDARDS: TIMBER INDUSTRY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study related to natural resources sales program to determine whether rule change is needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/15/87	
Withdrawn	12/13/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A preliminary review of industry data indicates that no further action is needed concerning this size standard.

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245–AB34

3625. SMALL BUSINESS SIZE STANDARDS: NONMANUFACTURERS

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for nonmanufacturers.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15232
NPRM Comment Period End	05/13/88	
Final Action	03/31/89	54 FR 13160
Final Action Effective	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB58

3626. BUSINESS LOANS, FEES

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120.104-2(e)

Legal Deadline: None

Abstract: A lender or associate will be permitted to charge an applicant for an SBA loan reasonable fees for packaging and/or other services. SBA will not ordinarily review such fees but it will investigate if an applicant complains.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33141
NPRM Comment Period End	10/31/88	
Final Action	05/30/89	54 FR 22877
Final Action Effective	05/30/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for, Finance and Investment, Small Business Administration, 1441 L Street, N.W., Room 804-D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB71

3627. SMALL BUSINESS SIZE STANDARDS: SIZE STANDARD FOR COMMODITY CONTRACTS BROKERS AND DEALERS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishment of size standard of $3.5 million annual receipts for commodity contracts brokers and dealers, Standard Industrial Classification (SIC) Code 6221, for which no size standard exists at present.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/88	53 FR 29876
Merged with RIN 3245-AB57	08/25/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB72

3628. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); PL 100-656; PL 101-37

CFR Citation: 13 CFR 124

Legal Deadline: NPRM, Statutory, March 15, 1989. Final, Statutory, August 15, 1989.

Abstract: Substantive changes to criteria and processes applicable to 8(a) program eligibility and business development during program participation.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12054
NPRM Comment Period End	04/24/89	
Final Action	08/21/89	54 FR 34692

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Erline M. Patrick, Acting, Associate Administrator for Minority Small, Business and Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6407

RIN: 3245–AB76

3629. BUSINESS LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); PL 100-418

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: This regulation will implement changes contained in the Omnibus Trade and Competitiveness Act of 1988, relating to export loans.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52187
NPRM Comment Period End	02/27/89	
Final Action	06/05/89	54 FR 23960
Final Action Effective	06/05/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gail Hepler, Commercial Loan Specialist, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6570

RIN: 3245–AB62

3630. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; MINIMUM AMOUNT OF POOL CERTIFICATES

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697; 15 USC 697a; 15 USC 697b

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This regulation reduces the minimum amount of Development Company debenture pool certificates from the present $100,000 to $25,000.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38737
NPRM Comment Period End	11/02/88	
Final Action	04/20/89	54 FR 15919
Final Action Effective	04/20/89	54 FR 15919

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Acting Associate Administrator for, Finance and Investment, Small Business

Administration, 1441 L Street, N.W., Washington, DC 20416, 202 653-5985

RIN: 3245–AB89

3631. ● BUSINESS LOANS

Legal Authority: PL 100-590; 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Legal Deadline: Final, Statutory, May 3, 1989.

Abstract: This proposed rule would amend the regulations for alter ego loan guarantees. The changes would be identical to those PL 100-590 made on the alter ego rule for development companies. PL 100-590 changed the rule for development companies so that complete identity of ownership interests would not be required if certain listed family members were owners of the operating business and the so-called alter ego, the real estate holding company.

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	54 FR 18299
Final Action	08/28/89	54 FR 35453

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6574

RIN: 3245–AB92

3632. ● MANAGEMENT ASSISTANCE; INTERNATIONAL TRADE

Legal Authority: PL 100-418; 15 USC 634(b)(6)

CFR Citation: 13 CFR 129

Legal Deadline: Final, Statutory, February 23, 1989.

Abstract: Amendments to SBA's regulations on international trade. The amendments, which set forth the services the Office of International Trade will provide to assist small businesses compete in international markets, are made in compliance with the Small Business International Trade and Competitiveness Act, PL 100-418.

Timetable:

Action	Date	FR Cite
NPRM	12/09/88	53 FR 49675
NPRM Comment Period End	01/08/89	
Final Action	03/07/89	54 FR 9424
Final Action Effective	03/07/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Sheryl Swed, Director, Office of International Trade, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, DC 20416, 202 653-7794

RIN: 3245–AB93

3633. ● STANDARDS OF CONDUCT

Legal Authority: PL 100-656; 15 USC 634(b)(6)

CFR Citation: 13 CFR 105

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: This final rule implements sections 402 and 403 of PL 100-656 which provided for certain prohibitions, reporting requirements and penalties in connection with actions by SBA employees with regard to the administration of SBA's Minority Small Business and Capital Ownership Development program.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34745
Final Action Effective	09/20/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, N.W., Room 700, Washington, DC 20416, 202 653-6642

RIN: 3245–AB95

3634. ● 8(A) PROGRAM CONFORMING AMENDMENTS

Legal Authority: PL 100-656; 15 USC 634(b)(6)

CFR Citation: 13 CFR 134

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: This final rule implements changes to the operational procedures of the Small Business Administration's Office of Hearings and Appeals with respect to the administrative appeal rights relating to its 8(a) program as necessitated by PL 100-656 and its implementing regulations, 13 CFR 124, Subpart A.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34746
Final Action Effective	08/21/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6573

RIN: 3245–AB96

3635. ● BUSINESS LOANS FOR 8(A) PROGRAM PARTICIPANTS

Legal Authority: PL 100-656; 15 USC 634(b)(6)

CFR Citation: 13 CFR 122

Legal Deadline: Final, Statutory, August 15, 1989.

Abstract: Section 302 of PL 100-656 would be implemented by this proposed rule to provide SBA with a statutory basis for a program of direct, guaranteed and immediate participation financial assistance to eligible SBA 8(a) program participants.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/01/89	
Final Action	09/05/89	54 FR 36760

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Assistant Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB98

[FR Doc. 89-21749 Filed 10-27-89; 8:45 am]

BILLING CODE 8025-01-T

Federal Register

Monday
October 30, 1989

Part XLIII

Tennessee Valley Authority

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations. However, TVA has four regulations under development and has published a notice of intent with regard to a fifth regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the persons listed.

W. F. Willis,

Executive Vice President and Chief Operating Officer.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

3636. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 238 Natural Resources Building, Norris, TN 37828, 615 632-1585

RIN: 3316–AA02

3637. ALTERNATIVE PROGRAM FOR SHARING PATENT-RELATED INCOME

Legal Authority: 15 USC 3710, amended by PL 99-502

CFR Citation: 18 CFR Not yet determined

Legal Deadline: Final, Statutory, October 1988.

The royalty-sharing program under the statute must be implemented if the alternative program has not been implemented by October 1988; however, the statute does not preclude (cont)

Abstract: Pursuant to new section 14 of the Stevenson-Wydler Act, TVA has elected to promulgate regulations providing for an alternative program for sharing royalties and other patent-related income with its employee-inventors.

Timetable:

Action	Date	FR Cite
ANPRM	01/14/87	52 FR 1469
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: implementations of an alternative program at a later date.

Agency Contact: H. Brown Wright, Program Coordinator Manager, Manufacturing, Technology Utilization, Tennessee Valley Authority, 601 West Summit Hill Drive, OCH 2D 46B-K, Knoxville, TN 37902-1499, 615 632-6435

RIN: 3316–AA05

3638. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: 20 USC 1682; 16 USC 831 to 831dd

CFR Citation: 18 CFR Not yet determined

Legal Deadline: None

Abstract: This regulation implements 20 USC 1681 which assures nondiscrimination on the basis of sex in educational programs or activities receiving financial assistance from Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Freddie L. Hogan, Manager, Contracts and Community Assistance Section, Tennessee Valley Authority, 417 Chemical Engineering Building, Muscle Shoals, AL 35660, 205 872-2048

RIN: 3316–AA13

3639. ● PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: 16 USC 470ii(a)

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The proposed rule would revise the prohibited acts section of the uniform regulations to conform to recent amendments to the Archaeological Resources Protection Act, thus enabling Federal land managers to assess civil penalties for the attempt to excavate, remove, damage, alter, or otherwise deface archaeological resources. The proposed rule would thus affect persons who make unauthorized use of archaeological resources or attempt to do so.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

TVA

Proposed Rule Stage

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 238 Natural Resources Building, Norris, TN 37828, **615 632-1585**

RIN: 3316–AA14

TENNESSEE VALLEY AUTHORITY (TVA)

Final Rule Stage

3640. ● BOOK-ENTRY PROCEDURES

Significance: Agency Priority

Legal Authority: 16 USC 831 to 831dd

CFR Citation: 18 CFR 1314, (New)

Legal Deadline: None

Abstract: The regulations will relate to the issuance of, and transactions in, TVA evidences of indebtedness issued in book-entry form.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward C. Christenbury, General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, Knoxville, TN 37902-1499, **615 632-2241**

RIN: 3316–AA15

[FR Doc. 89-22489 Filed 10-27-89; 8:45 am]

BILLING CODE 8120-02-T

federal register

Monday
October 30, 1989

Part XLIV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation;
Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. I

Semiannual Agenda

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291 "Federal Regulation." This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions; however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FACs). None of the regulations listed in this agenda are considered major under Executive Order 12291 "Federal Regulation."

Dated: August 28, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition Policy.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3641	Amendment to Federal Acquisition Regulation (FAR Case 89-38)	9000-AD16

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3642	Amendment to Federal Acquisition Regulation (FAR Case 84-45)	9000-AA29
3643	Amendment to Federal Acquisition Regulation (FAR Case 85-16)	9000-AA35
3644	Amendment to Federal Acquisition Regulation (FAR Case 87-13)	9000-AB73
3645	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AB84
3646	Amendment to Federal Acquisition Regulation (FAR Case 87-37)	9000-AC00
3647	Amendment to Federal Acquisition Regulation (FAR Case 88-6)	9000-AC19
3648	Amendment to Federal Acquisition Regulation (FAR Case 88-15)	9000-AC28
3649	Amendment to Federal Acquisition Regulation (FAR Case 88-19)	9000-AC32
3650	Amendment to Federal Acquisition Regulation (FAR Case 88-22)	9000-AC35
3651	Amendment to Federal Acquisition Regulation (FAR Case 88-29)	9000-AC41
3652	Amendment to Federal Acquisition Regulation (FAR Case 88-31)	9000-AC43
3653	Amendment to Federal Acquisition Regulation (FAR Case 88-36)	9000-AC47
3654	Amendment to Federal Acquisition Regulation (FAR Case 88-42)	9000-AC53
3655	Amendment to Federal Acquisition Regulation (FAR Case 88-47)	9000-AC58
3656	Amendment to Federal Acquisition Regulation (FAR Case 88-54)	9000-AC65
3657	Amendment to Federal Acquisition Regulation (FAR Case 88-56)	9000-AC67
3658	Amendment to Federal Acquisition Regulation (FAR Case 88-57)	9000-AC68
3659	Amendment to Federal Acquisition Regulation (FAR Case 88-60)	9000-AC71
3660	Amendment to Federal Acquisition Regulation (FAR Case 88-64)	9000-AC75
3661	Amendment to Federal Acquisition Regulation (FAR Case 88-66)	9000-AC77
3662	Amendment to Federal Acquisition Regulation (FAR Case 88-67)	9000-AC78
3663	Amendment to Federal Acquisition Regulation (FAR Case 88-68)	9000-AC79
3664	Amendment to Federal Acquisition Regulation (FAR Case 88-70)	9000-AC80
3665	Amendment to Federal Acquisition Regulation (FAR Case 88-72)	9000-AC83
3666	Amendment to Federal Acquisition Regulation (FAR Case 89-6)	9000-AC84
3667	Amendment to Federal Acquisition Regulation (FAR Case 89-8)	9000-AC86
3668	Amendment to Federal Acquisition Regulation (FAR Case 89-9)	9000-AC87
3669	Amendment to Federal Acquisition Regulation (FAR Case 89-10)	9000-AC88
3670	Amendment to Federal Acquisition Regulation (FAR Case 89-11)	9000-AC89

FAR

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3671	Amendment to Federal Acquisition Regulation (FAR Case 89-12)	9000-AC90
3672	Amendment to Federal Acquisition Regulation (FAR Case 89-13)	9000-AC91
3673	Amendment to Federal Acquisition Regulation (FAR Case 89-14)	9000-AC92
3674	Amendment to Federal Acquisition Regulation (FAR Case 89-15)	9000-AC93
3675	Amendment to Federal Acquisition Regulation (FAR Case 89-16)	9000-AC94
3676	Amendment to Federal Acquisition Regulation (FAR Case 89-17)	9000-AC95
3677	Amendment to Federal Acquisition Regulation (FAR Case 89-18)	9000-AC96
3678	Amendment to Federal Acquisition Regulation (FAR Case 89-19)	9000-AC97
3679	Amendment to Federal Acquisition Regulation (FAR Case 89-20)	9000-AC98
3680	Amendment to Federal Acquisition Regulation (FAR Case 89-21)	9000-AC99
3681	Amendment to Federal Acquisition Regulation (FAR Case 89-23)	9000-AD01
3682	Amendment to Federal Acquisition Regulation (FAR Case 89-24)	9000-AD02
3683	Amendment to Federal Acquisition Regulation (FAR Case 89-25)	9000-AD03
3684	Amendment to Federal Acquisition Regulation (FAR Case 89-28)	9000-AD06
3685	Amendment to Federal Acquisition Regulation (FAR Case 89-29)	9000-AD07
3686	Amendment to Federal Acquisition Regulation (FAR Case 89-30)	9000-AD08
3687	Amendment to Federal Acquisition Regulation (FAR Case 89-31)	9000-AD09
3688	Amendment to Federal Acquisition Regulation (FAR Case 89-32)	9000-AD10
3689	Amendment to Federal Acquisition Regulation (FAR Case 89-34)	9000-AD12
3690	Amendment to Federal Acquisition Regulation (FAR Case 89-36)	9000-AD14
3691	Amendment to Federal Acquisition Regulation (FAR Case 89-37)	9000-AD15
3692	Amendment to Federal Acquisition Regulation (FAR Case 89-40)	9000-AD18
3693	Amendment to Federal Acquisition Regulation (FAR Case 89-42)	9000-AD20
3694	Amendment to Federal Acquisition Regulation (FAR Case 89-43)	9000-AD21
3695	Amendment to Federal Acquisition Regulation (FAR Case 89-44)	9000-AD22
3696	Amendment to Federal Acquisition Regulation (FAR Case 89-45)	9000-AD23
3697	Amendment to Federal Acquisition Regulation (FAR Case 89-47)	9000-AD25
3698	Amendment to Federal Acquisition Regulation (FAR Case 89-53)	9000-AD31
3699	Amendment to Federal Acquisition Regulation (FAR Case 89-54)	9000-AD32
3700	Amendment to Federal Acquisition Regulation (FAR Case 89-55)	9000-AD33
3701	Amendment to Federal Acquisition Regulation (FAR Case 89-56)	9000-AD34
3702	Amendment to Federal Acquisition Regulation (FAR Case 89-57)	9000-AD35
3703	Amendment to Federal Acquisition Regulation (FAR Case 89-58)	9000-AD36
3704	Amendment to Federal Acquisition Regulation (FAR Case 89-59)	9000-AD37
3705	Amendment to Federal Acquisition Regulation (FAR Case 89-60)	9000-AD38
3706	Amendment to Federal Acquisition Regulation (FAR Case 85-32)	9000-AD39
3707	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AD40
3708	Amendment to Federal Acquisition Regulation (FAR Case 87-38)	9000-AD41
3709	Amendment to Federal Acquisition Regulation (FAR Case 87-46)	9000-AD42
3710	Amendment to Federal Acquisition Regulation (FAR Case 89-61)	9000-AD43
3711	Amendment to Federal Acquisition Regulation (FAR Case 89-62)	9000-AD44
3712	Amendment to Federal Acquisition Regulation (FAR Case 89-63)	9000-AD45
3713	Amendment to Federal Acquisition Regulation (FAR Case 89-64)	9000-AD46
3714	Amendment to Federal Acquisition Regulation (FAR Case 89-65)	9000-AD47

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3715	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-10 (FAR Case 85-32)	9000-AA00
3716	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-9	9000-AA01
3717	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-11	9000-AA02
3718	Amendment to Federal Acquisition Regulation (FAR Cases 86-12 and 88-35)	9000-AA97
3719	Amendment to Federal Acquisition Regulation (FAR Case 86-33)	9000-AB18
3720	Amendment to Federal Acquisition Regulation (FAR Case 86-51)	9000-AB37
3721	Amendment to Federal Acquisition Regulation (FAR Case 86-69)	9000-AB55
3722	Amendment to Federal Acquisition Regulation (FAR Case 87-24)	9000-AB83
3723	Amendment to Federal Acquisition Regulation (FAR Case 87-41)	9000-AC04
3724	Amendment to Federal Acquisition Regulation (FAR Case 87-43)	9000-AC06
3725	Amendment to Federal Acquisition Regulation (FAR Case 87-51)	9000-AC14

FAR

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3726	Amendment to Federal Acquisition Regulation (FAR Case 87-54)	9000-AC17
3727	Amendment to Federal Acquisition Regulation (FAR Case 88-7)	9000-AC20
3728	Amendment to Federal Acquisition Regulation (FAR Case 88-9)	9000-AC22
3729	Amendment to Federal Acquisition Regulation (FAR Case 88-10)	9000-AC23
3730	Amendment to Federal Acquisition Regulation (FAR Case 88-16)	9000-AC29
3731	Amendment to Federal Acquisition Regulation (FAR Case 88-25)	9000-AC37
3732	Amendment to Federal Acquisition Regulation (FAR Case 88-26)	9000-AC38
3733	Amendment to Federal Acquisition Regulation (FAR Case 88-30)	9000-AC42
3734	Amendment to Federal Acquisition Regulation (FAR Case 88-37)	9000-AC48
3735	Amendment to Federal Acquisition Regulation (FAR Case 88-43)	9000-AC54
3736	Amendment to Federal Acquisition Regulation (FAR Case 88-44)	9000-AC55
3737	Amendment to Federal Acquisition Regulation (FAR Case 88-49)	9000-AC60
3738	Amendment to Federal Acquisition Regulation (FAR Case 88-61)	9000-AC72
3739	Amendment to Federal Acquisition Regulation (FAR Case 88-62)	9000-AC73
3740	Amendment to Federal Acquisition Regulation (FAR Case 88-63)	9000-AC74
3741	Amendment to Federal Acquisition Regulation (FAR Case 88-69)	9000-AC81
3742	Amendment to Federal Acquisition Regulation (FAR Case 88-71)	9000-AC82
3743	Amendment to Federal Acquisition Regulation (FAR Case 89-7)	9000-AC85
3744	Amendment to Federal Acquisition Regulation (FAR Case 89-22)	9000-AD00
3745	Amendment to Federal Acquisition Regulation (FAR Case 89-26)	9000-AD04
3746	Amendment to Federal Acquisition Regulation (FAR Case 89-27)	9000-AD05
3747	Amendment to Federal Acquisition Regulation (FAR Case 89-33)	9000-AD11
3748	Amendment to Federal Acquisition Regulation (FAR Case 89-35)	9000-AD13
3749	Amendment to Federal Acquisition Regulation (FAR Case 89-39)	9000-AD17
3750	Amendment to Federal Acquisition Regulation (FAR Case 89-41)	9000-AD19
3751	Amendment to Federal Acquisition Regulation (FAR Case 89-46)	9000-AD24
3752	Amendment to Federal Acquisition Regulation (FAR Case 89-48)	9000-AD26
3753	Amendment to Federal Acquisition Regulation (FAR Case 89-49)	9000-AD27
3754	Amendment to Federal Acquisition Regulation (FAR Case 89-50)	9000-AD28
3755	Amendment to Federal Acquisition Regulation (FAR Case 89-51)	9000-AD29
3756	Amendment to Federal Acquisition Regulation (FAR Case 89-52)	9000-AD30
3757	Amendment to Federal Acquisition Regulation (FAR Case 88-33)	9000-AD48

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

3641. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-38)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to provide a standard time frame for filing agency level protests and establish the minimum requirements for the content of these protests.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD16

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

3642. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9720
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA29

3643. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 2; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: Amend the FAR to correct language in the current 5-day late bid rule concerning acceptable evidence to establish the date of mailing a late bid, modification, or withdrawal sent by registered or certified mail; provide a 2-day late bid rule for bids mailed by U.S. Postal Service Express Mail Next Day service; provide separate late bid rules for bids outside the U.S. and Canada; allow contracting officers the option of permitting the use of facsimile equipment for the submission of bids, acknowledgements of amendments to solicitations, and modifications or withdrawals of bids; and make corresponding revisions with respect to contracting by negotiation.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
Additional NPRM	08/15/88	53 FR 30818
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AA35

3644. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-13)

Legal Authority: PL 99-500, Sec 922

CFR Citation: 48 CFR 5; 48 CFR 13; 48 CFR 19; 48 CFR 52

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to (1) raise the threshold for publicizing proposed acquisitions, other than sole source acquisitions, from $10,000 to $25,000, (2) require posting of notices of solicitations expected to exceed $10,000 but not to exceed $25,000, and (3) raise the limitation for small business, small purchase set-asides from $10,000 to $25,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AB73

3645. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning guaranteed maximum shipping weights and dimensions.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 31722
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AB84

3646. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to provide a simplified contract format and allow annual submission of contractor's representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	10/27/87	52 FR 41390
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There

is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC00

3647. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify procedures applicable when converting an acquisition from sealed bidding to negotiation.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC19

3648. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to allow the contracting officer the authority to limit progress payments on first article work by a stated dollar amount or percentage.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC28

3649. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: To amend the FAR to extend the record retention period for contractors who submit late annual indirect cost rate proposals and clarify the meaning of "record" to include computer input data.

Timetable:

Action	Date	FR Cite
NPRM	06/17/88	53 FR 23105
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC32

3650. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require that, if a contractor or subcontractor, obtains a reduction of its U.S. income tax liability because of foreign tax credits under the IRS, the amount of the reduction shall be credited back to the U.S. Government at the time the foreign tax credit is given.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12501
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC35

3651. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-29)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require contractors to provide advance notice of shipment for categories of material requiring preparation by the consignee for safety and security consideration.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25102
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC41

FAR

Final Rule Stage

3652. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-31)

Legal Authority: 19 USC 2511 to 2518; 3 USC 301

CFR Citation: 48 CFR 5; 48 CFR 14; 48 CFR 15; 48 CFR 17; 48 CFR 25

Legal Deadline: Final, Statutory, February 14, 1988.

Abstract: To amend the FAR to incorporate changes necessitated by a major renegotiation of the Government Procurement Code by the U.S. Trade Representative.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/88	53 FR 27460
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC43

3653. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide clear policy and uniform procedures or furnishing or acquiring special tooling under fixed-price contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 33020
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC47

3654. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-42)

Legal Authority: PL 100-202

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: To amend the FAR to withdraw coverage pertaining to requirements in 44 USC 501(2) for approval, by the Congressional Joint Committee on Printing, of requirements for acquisition of printing.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 33017
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC53

3655. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit contracting officers to authorize shipment of material F.o.b. origin on prepaid commercial bills of lading and for contractors to be reimbursed for transportation costs.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38656
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC58

3656. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to clarify and strengthen the current cost principle to provide a sufficient basis to adequately question consultant costs.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41530
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC65

3657. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify standards for procedures governing Commercial Bills of Lading (CBL's) documentation, payment, and audit.

FAR — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC67

3658. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR concerning individual surety procedures. Among other things, the revisions would require a pledge of assets by an individual surety, prescribe the type of acceptable assets to be submitted, provide for exclusion of individual sureties for cause, revise Standard Form 28, and add two Optional Forms.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44564
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC68

3659. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise Standard Form 294, Subcontracting Report for Individual Contracts, and Standard Form 295, Summary Subcontract Report.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48495
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC71

3660. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 22; 48 CFR 23; 48 CFR 36; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add coverage concerning hazardous material.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC75

3661. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-66)

Legal Authority: PL 100-656, Title VII

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to implement the Joint Office of Procurement Policy and Small Business Administration policy directive implementing Title VII of the Business Opportunity Development Act of 1988 (Pub. L. 100-656).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 5052
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC77

3662. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-67)

Legal Authority: 41 USC 701-707

CFR Citation: 48 CFR 9; 48 CFR 23; 48 CFR 52

Legal Deadline: Other, Statutory, February 16, 1989.

Abstract: To amend the FAR to implement the requirements of the Drug-Free Workplace Act (Pub. L. 100-690).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4967
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC78

3663. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to provide notice to offerors and guidance to Government contracting personnel concerning unbalanced bids and proposals.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4230
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC79

3664. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-70)

Legal Authority: PL 100-449

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Other, Statutory, January 1, 1989.

Abstract: To amend the FAR to implement the United States-Canada Free-Trade Agreement and the United States-Canada Free-Trade Implementation Act of 1988, which added requirements with respect to acquisitions from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53340
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC80

3665. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-72)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Buy American List of Exempt Items is provided for information only and that each agency is responsible for making a determination that an item is exempt from the provisions of the Buy American Act.

Timetable:

Action	Date	FR Cite
NPRM	02/08/89	54 FR 6251
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC83

3666. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to reflect a new amount for evaluating proposals to determine if a multiple award would be economically advantageous to the Government. The amount is increased for evaluation purposes from $250 to $500.

Timetable:

Action	Date	FR Cite
NPRM	02/21/89	54 FR 7515
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC84

3667. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-8)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, 50 denier rayon yarn, to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA

(FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC86

3668. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-9)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, rabbit fur felt, to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC87

3669. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: To amend the FAR to be consistent with the Department of Defense implementation of section 803, Pub. L. 100-456, which authorizes delegation of the authority of the Under Secretary of Defense for Acquisition to approve justifications for other than full and open competition in excess of $10,000,000.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC88

3670. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-11)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the clause at 52.228-5, Insurance-Work on a Government Contract, to eliminate the administrative burden on contracting officers to maintain copies of subcontractor's certificates of insurance. The change does not alter insurance requirements or the documentation to be held by the prime contractor.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC89

3671. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-12)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to bring the cost principle on unfunded pension costs in line with Cost Accounting Standard 412.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC90

3672. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-13)

Legal Authority: PL 100-456

CFR Citation: 48 CFR 31; 48 CFR 37; 48 CFR 52

Legal Deadline: Other, Statutory, March 28, 1989.

Abstract: To amend the FAR to assure that severance payments to foreign nationals employed under a service contract performed outside the United States do not exceed the typical rate of severance pay in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC91

FAR

Final Rule Stage

3673. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-14)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to emphasize responsibilities regarding certification of final indirect cost rate proposals.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10133
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC92

3674. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to remove the implication that Contract Administration Services were responsible for administering statutory and regulatory requirements for hazardous materials.

Timetable:

Action	Date	FR Cite
NPRM	02/28/89	54 FR 8492
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC93

3675. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify the application of Value Engineering (VE) to contracts for architect-engineer (A-E) services.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12122
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC94

3676. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-17)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide an alternate contract clause for use when advance payments are authorized, but a special bank account is not authorized.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12126
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC95

3677. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-18)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to clarify the policy that, regardless of the type of contract used, profit or fee will not be paid for facilities purchased for the account of the Government.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12128
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC96

3678. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-19)

Legal Authority: PL 100-700

CFR Citation: 48 CFR 31

Legal Deadline: Other, Statutory, April 17, 1989.

Abstract: To amend the FAR regarding the allowability of litigation costs and certain other costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 13022
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC97

3679. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-20)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to require that, when an award is made to an offeror for less than all of the items that may be awarded to that offeror, and additional items are being withheld for subsequent award, the award notice shall state that the Government may make subsequent awards on those additional items within the offer acceptance period, and to clarify that notice of potential subsequent award must be provided with each award that may be followed by a subsequent award.

Timetable:

Action	Date	FR Cite
NPRM	04/25/89	54 FR 17894
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC98

3680. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-21)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 46

Legal Deadline: None

Abstract: To amend the FAR to more clearly define under what circumstances the Government should rely on inspection and testing by contractors when acquiring commercial off-the-shelf supplies.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	54 FR 16094
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC99

3681. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-23)

Legal Authority: 41 USC 423

CFR Citation: 48 CFR 1; 48 CFR 3; 48 CFR 4; 48 CFR 9; 48 CFR 15; 48 CFR 37; 48 CFR 43; 48 CFR 52

Legal Deadline: Other, Statutory, July 16, 1989.

Abstract: To amend the FAR to implement the procurement integrity requirements of section 27 of the OFPP Act.

Timetable:

Action	Date	FR Cite
NPRM	03/27/89	54 FR 12556
Interim Final Rule	05/11/89	54 FR 20488
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD01

3682. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR pertaining to Architect-Engineer performance evaluations.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	54 FR 15132
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD02

3683. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-25)

Legal Authority: PL 100-679

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify the definitions of Architect- Engineer services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/89	54 FR 13332

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD03

3684. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-28)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to set forth new rules on the allowability of costs resulting from business combinations.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18634
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD06

3685. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-29)

Legal Authority: PL 98-620

CFR Citation: 48 CFR 1; 48 CFR 27; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement the contractual aspects of a final rule issued by the Department of Commerce on March 18, 1987 (52 FR 855) concerning commerce patents.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD07

3686. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-30)

Legal Authority: 50 USC App 2410a

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add coverage pertaining to sanctions (Toshiba/Kongsberg) for violations of export controls.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/08/89	54 FR 19812
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD08

3687. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Government takes title in the form of "ownership" rather than a lien when progress payments are made under the progress payments clause at FAR 52.232-16.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	54 FR 18631
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD09

3688. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to establish a threshold at which price reasonableness must be verified and quotations solicited from a reasonable number of sources. The revision proposes to increase the threshold from $1,000 to 10 percent of the small purchase limitation (presently at ($25,000).

Timetable:

Action	Date	FR Cite
NPRM	05/04/89	54 FR 19339
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which

there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD10

3689. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify the procedures for submission of cost impact proposals and the authority of the ACO to withhold a portion of payments when the contractor does not submit the cost impact proposal in a timely manner.

Timetable:

Action	Date	FR Cite
NPRM	06/16/89	54 FR 25686
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD12

3690. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to extend the period for which a contractor would be liable for loss or damage to household goods.

Timetable:

Action	Date	FR Cite
NPRM	06/02/89	54 FR 23861
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD14

3691. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to contractually require contractors to pay interest on overpayments made by the Government resulting from contractor defective pricing.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25206
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD15

3692. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42

Legal Deadline: None

Abstract: To amend the FAR to provide additional guidance on the use of quick closeout procedures described in FAR 42.708.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25211
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD18

3693. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-42)

Legal Authority: PL 100-656, Sec 304

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require a prime contractor to pay liquidated damages upon a lack of good faith effort to meet its small business subcontracting goals.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/21/89	54 FR 30703
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD20

3694. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-43)

Legal Authority: PL 100-590, Sec 133

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to authorize participation of public or private organizations for the handicapped in small business set-asides during fiscal years 1989 through 1993.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD21

3695. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-44)

Legal Authority: PL 100-656, Sec 303(h)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit small business regular dealers to offer any domestically produced or manufactured product under a small business set-aside or award under section 8(a) of the Small Business Act when the acquisition is for a product in a class which SBA has determined that there are no small business manufacturers or processors in the Federal market.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/89	54 FR 25060
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD22

3696. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to provide that forms prescribed by the FAR or by agency supplements may be computer generated by the public.

Timetable:

Action	Date	FR Cite
NPRM	06/22/89	54 FR 26303
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD23

3697. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to include technical corrections needed to comply with recent changes to OMB Circular A-76.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25214
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD25

3698. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-53)

Legal Authority: PL 100-656, Sec 303(b) & 303(d)

CFR Citation: 48 CFR 5; 48 CFR 6; 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement sec. 303(b) and 303(d) of the Business Opportunity Development Reform Act (PL 100-656) to provide that acquisitions over a specified threshold offered for award pursuant to section 8(a) of the Small Business Act shall be awarded on the basis of competition restricted to eligible program participants and to provide for SBA appeals when requirements are not offered to the section 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	06/28/89	54 FR 27310
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD31

3699. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 43; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit contracting officers to include the clause at FAR 52.243-6, Change Order Accounting, in construction contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/11/89	54 FR 29296
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD32

3700. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-55)

Legal Authority: PL 100-590, Sec 124

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise the SF 295 to add the requirement for contractors to report subcontract awards to women-owned businesses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD33

3701. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide an exception for heavy or bulky freight to a requirement in FAR 47.303-6 and the clause at 52.247-34, F.o.b. Destination, that supplies be delivered to the truck's tailgate.

Timetable:

Action	Date	FR Cite
NPRM	07/17/89	54 FR 29984
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD34

3702. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 10

Legal Deadline: None

Abstract: To amend the FAR to clarify that the exception in FAR 10.006 applies to both purchases and contracts that do not exceed the small purchase threshold.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD35

3703. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-58)

Legal Authority: PL 99-550; 31 USC 1344

CFR Citation: 48 CFR 45; 48 CFR 51; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement PL 99-550 which specifies that Government-owned or leased passenger carriers are to be used for official purposes only, and to clarify the methodology to be used by contractors when ordering from Government sources.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32424
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD36

3704. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-59)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 44

Legal Deadline: None

Abstract: To amend the FAR to add clarification concerning the extent to which notification and consent to

subcontract have been resolved during negotiations and, therefore, need not be addressed by the ACO during the course of contract administration.

Timetable:

Action	Date	FR Cite
NPRM	08/07/89	54 FR 32422
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD37

3705. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify when discussions will be held with A-E firms, to eliminate an unnecessary clause, and simplify the submission of performance reports using the SF 1420, Performance Evaluation (Construction Contracts.)

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD38

3706. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-32)

Legal Authority: PL 98-577, Sec 204; PL 98-525; PL 99-591

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require contractors who sell certain spare parts to certify that their prices to the Government do not exceed the lowest commercial prices unless an explanation of the differences is provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Additional NPRM	11/18/88	53 FR 46792
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD39

3707. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to more specifically describe the information required from the offeror concerning shipping characteristics, to provide that offers submitted without the requested information will be evaluated on the basis of the shipping characteristics submitted with any offer that produces the highest transportation costs, and to provide that the contract price of the successful offer will be reduced by an amount equal to the difference between the transportation costs actually incurred and the costs which would have been accurate.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	53 FR 31723
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD40

3708. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-38)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to illustrate the type and form of contractor cost and financial information which is to be made available to auditors conducting audits of contract costs.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31280
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD41

3709. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-46)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: To amend the FAR to require the use of a certificate of independent price determination in certain overseas procurements. Prior to this proposed revision, the certificate was specifically excluded from these procurements.

Timetable:

Action	Date	FR Cite
NPRM	01/04/88	53 FR 100
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD42

3710. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-61)

Legal Authority: PL 99-145; PL 100-180; PL 100-456; PL 100-700

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to add coverage on the allowability of costs incurred under Federal contracts with educational institutions, state and local governments, Federally recognized Indian tribal governments, and nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	07/28/89	54 FR 31480
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD43

3711. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-62)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to eliminate the grouping in solicitations and contracts of provisions and clauses which are incorporated by reference within the applicable uniform contract format (UCF) and the deletion of the Alternates to the clauses at 52.252-1 and 52.252-2 which allow incorporation by reference of provisions and clauses and do not use the UCF.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD44

3712. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-63)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to clarify that the suspension of progress payments for accounting deficiencies should be applied only to the portion of the progress payments associated with a deficiency.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD45

3713. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide editorial changes to reference the small purchase limitation in FAR 13.000 and provide consistency with the FAR's standard "small purchase limitation" terminology.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, **202 523-4755**

RIN: 9000–AD46

3714. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-65)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to clarify the requirement that nonmanufacturer offerors on small business set-aside contracts must be small businesses and

FAR — Final Rule Stage

establishes a size standard of 500 employees for such nonmanufacturers.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD47

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

3715. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10 (FAR CASE 85-32)

Legal Authority: PL 98-577, Sec 204; PL 98-525; PL 99-591

CFR Citation: 48 CFR 7; 48 CFR 15; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Final, Statutory, May 1, 1985.

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec. 1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action FAR Case 85-23, Small Business Subcontracting Policy	07/29/86	51 FR 27114
Final Action FAR Case 85-28, Integrity of Unit Prices	07/29/86	51 FR 27114
Final Action FAR Case 85-11, Definition of Major System	07/29/86	51 FR 27114
Final Action FAR Case 85-30, Planning for Future Competition	07/29/86	51 FR 27114
Final Action FAR Case 85-32 being reported individually.	08/09/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors; and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system."

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA00

3716. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 12; 48 CFR 33; 48 CFR 52

Legal Deadline: None

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	50 FR 25680
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA01

FAR

Completed Actions

3717. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11

Legal Authority: PL 98-525; PL 98-577

CFR Citation: 48 CFR 3; 48 CFR 7; 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Final, Statutory, May 1, 1985.

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	50 FR 35474
Final Action FAR Case 85-37 Unreasonable Restrictions on Subcontractor Sales	07/29/86	51 FR 27114
Final Action FAR Case 85-36 Economic Order Quantities	08/12/87	52 FR 30074
Final Action FAR Case 85-38 merged into FAR Case 86-67	08/08/88	
Final Action	09/02/88	53 FR 34224

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA02

3718. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASES 86-12 AND 88-35)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to revise Standard Form 1417 to (1) eliminate unnecessary delays in securing solicitation documents by requiring construction contractors to obtain a certified check or cashiers check, and (2) require inclusion of the contractor's telephone number on the SF 1417.

Timetable:

Action	Date	FR Cite
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA97

3719. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-33)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to incorporate changes to provide improved value engineering coverage, as well as those changes necessitated by OMB Circular A-131, Value Engineering.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31197
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB18

3720. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR regarding penalties charged under DOD contracts for submission of defective cost or pricing data and interest charged from the date of overpayment on all Government contracts in defective pricing cases.

Timetable:

Action	Date	FR Cite
Withdrawn	04/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB37

3721. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to include more specific regulatory coverage concerning the termination of overfunded defined benefit pension plans and the resultant employer withdrawal of excess pension fund assets.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4084
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB55

3722. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 44; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning debarment and suspension procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/31/87	52 FR 28642
Final Action	05/08/89	54 FR 19812

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB83

3723. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-41)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to prescribe and illustrate the latest edition of Standard Form 1409, Abstract of Offers, and Standard Form 1409A, Abstract of Offers-Continuation Sheet.

Timetable:

Action	Date	FR Cite
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC04

3724. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-43)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To invite comments concerning the development of changes to the FAR on the allowability of costs incident to mergers and other business combinations.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41474
Withdrawn	12/09/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC06

3725. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to prescribe uniform procedures regarding nonpersonal services contracts for health care services.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2464
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC14

3726. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to clarify the policy of the Government concerning demands for payment of contract debts owed to the Government.

Timetable:

Action	Date	FR Cite
NPRM	01/28/88	53 FR 2577
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC17

3727. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to permit contracting offices to use an option provision which enables the Government to require continued performance of any services within the limits and at the rate specified in a contract.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	03/29/89	54 FR 13022

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC20

3728. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-9)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to specify that the subcontracting plans for contracts containing options that meet the required threshold for requiring such plans must separately address both the basic and option quantities.

Timetable:

Action	Date	FR Cite
NPRM	02/26/88	53 FR 5928
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC22

3729. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-10)

Legal Authority: 41 USC 351

CFR Citation: 48 CFR 1; 48 CFR 5; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to incorporate the implementation of the Department of Labor regulations regarding the Service Contract Act.

Timetable:

Action	Date	FR Cite
NPRM	02/22/88	53 FR 5928
Final Action	05/08/89	54 FR 19812

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC23

3730. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14

Legal Deadline: None

Abstract: To amend the FAR to clarify the obligation of the contracting officer to disclose all appropriate information when requesting additional evidence to support a contractor's bid when there is a basis to believe that the bid might contain a mistake.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	03/29/89	54 FR 13022

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC29

3731. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 36; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise SF 1419, Abstract of Offers--Construction, to make the form more functional when recording offers from seven or more offerors and/or recording offers when the construction contract solicitation requires individual offers on 14 or more line items.

Timetable:

Action	Date	FR Cite
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC37

3732. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-26)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to consolidate and amplify requirements dealing with subcontract pricing.

Timetable:

Action	Date	FR Cite
NPRM	07/07/88	53 FR 25572
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC38

3733. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-30)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to clarify FAR plant clearance policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25084
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC42

3734. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to increase delivery of excess quantities threshold from $100 to $250 and to modify the clause title accordingly.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32561
Final Action	08/21/89	54 FR 34750

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC48

3735. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-43)

Legal Authority: 26 USC 6041; 26 USC 6041M; 26 USC 6050M

CFR Citation: 48 CFR 4; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to add coverage to provide for contractors to submit their taxpayer identification number (TIN) and certain related information to the appropriate contracting office.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/88	53 FR 43386
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC54

3736. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-44)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add language prescribing the use of the clause at 52.225-14, Inconsistency Between English Version and Translation of Contracts, when translating a contract into a foreign language.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32558
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC55

3737. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-49)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to add coverage on the use of master solicitations.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41535
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC60

3738. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-61)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28

Legal Deadline: None

Abstract: To amend the FAR to clarify existing policy regarding the requirement for bid guarantees.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53279
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC72

3739. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-62)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to recognize electronic and automated inventory techniques.

Timetable:

Action	Date	FR Cite
Final Action	06/12/89	54 FR 25060

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC73

3740. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-63)

Legal Authority: 40 USC 466(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to increase the threshold for mandatory use of make-or-buy procedures in negotiated contracts from $2 million to $5 million.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC74

3741. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-69)

Legal Authority: PL 100-496

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: Final, Statutory, April 1, 1989.

Abstract: To amend the FAR to incorporate Pub. L. 100-496, Prompt Payment Amendments of 1988.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53364
Final Action	03/31/89	54 FR 13332

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC81

3742. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-71)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to provide a means for agencies to indicate in synopses if they are willing to accept electronic requests for solicitation packages.

Timetable:

Action	Date	FR Cite
Final Action	06/12/89	54 FR 25060

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC82

3743. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to accommodate the updated Commerce Business Daily Numbered Notes and to establish a system to review and revise Numbered Notes.

Timetable:

Action	Date	FR Cite
Final Action	05/11/89	54 FR 20488

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC85

3744. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 8; 48 CFR 38

Legal Deadline: None

Abstract: To amend the FAR for editorial and clarification purposes and to update the criteria used in establishing a Federal Supply Schedule.

Timetable:

Action	Date	FR Cite
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD00

3745. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-26)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to clarify that only one classification code shall be included in synopses submitted to the Commerce Business Daily and further, that failure to include a classification code or submission of more than one code, will result in rejection of the synopsis by the Commerce Business Daily.

Timetable:

Action	Date	FR Cite
Final Action	06/12/89	54 FR 25060

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD04

3746. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-27)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42

Legal Deadline: None

Abstract: To amend the FAR to clarify existing FAR coverage and to list additional contract administration functions that are being performed but are not recognized in the current FAR coverage.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD05

3747. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add a provision for use in all contracts in excess of $25,000 requesting offerors to identify their Contractor Establishment Codes, if available.

Timetable:

Action	Date	FR Cite
Final Action	07/11/89	54 FR 29278

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD11

3748. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-35)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4; 48 CFR 42

Legal Deadline: None

Abstract: To amend the FAR to add coverage that requires contracting offices to accomplish more timely funds reviews of physically complete contracts.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD13

3749. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-39)

Legal Authority: PL 100-656, Sec 603

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to add to the existing list of duties of agency Directors of Small and Disadvantaged Business Utilization the responsibility for making recommendations as to whether an acquisition should be awarded as a set-aside 8(a) award, or other procedure, and to require contracting officers to consider those recommendations and document whenever they are not accepted.

Timetable:

Action	Date	FR Cite
Final Action	06/12/89	54 FR 25060

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD17

3750. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-41)

Legal Authority: PL 100-590, Sec 110

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to implement section 110 of the SBA Reauthorization Act of 1988 concerning duties of SBA breakout center representatives.

Timetable:

Action	Date	FR Cite
Final Action	06/12/89	54 FR 25060

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD19

3751. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-46)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to explicitly permit the use of a three party contract for 8(a) contracts as opposed to the previous method of preparing two separate contract documents.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD24

3752. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-48)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19; 48 CFR 22

Legal Deadline: None

Abstract: To amend the FAR to make two minor editorial changes to FAR 19.601(c) and 22.608-2(f)(3).

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD26

3753. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-49)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add the notice to offerors, that the Government may waive first article testing, prescribed at FAR 9.306(c) to the clauses at 52.209-3 and 52.209-4.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD27

3754. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-50)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to remove contractor unwillingness to obtain their own facilities as a basis on which the Government will provide such facilities.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD28

3755. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to conform the wording of the last sentence in paragraph (a) of the clause at 52.237-7 requesting information from contractors on medical liability insurance with the instructions on the requested information currently in the note at the end of the clause.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD29

3756. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-52)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 27

Legal Deadline: None

Abstract: To amend the FAR to delete a paragraph which was being interpreted by some as a sunset provision to the coverage in FAR 27.400.

Timetable:

Action	Date	FR Cite
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD30

3757. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to delete FAR 31.205-1(h) which deals with the relationship between the cost principle entitled "Public Relations and Advertising Costs" and the other cost principles.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41527
Final Action	08/21/89	54 FR 34750

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AD48

[FR Doc. 89-21750 Filed 10-27-89; 8:45 am]

BILLING CODE 6820-JC-T

Federal Register

Monday
October 30, 1989

Part XLV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESS: Comments should be sent to: Gerry Smith, Office of the Executive Director, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, (202) 254-6090.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1]

The Commission's agenda represents its best estimate of significant rules which will be considered over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its October 1989 Regulatory Flexibility Agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's October 1989 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, DC, by the Commission.

Lynn K. Gilbert,

Deputy Secretary of the Commission.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3758	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3759	Rules Relating to Commission Review of National Futures Association Decisions In Disciplinary, Membership Denial, Registration and Member Responsibility Actions	3038-AA57
3760	Distribution of "Risk Disclosure Statement" by Futures Commission Merchants and Introducing Brokers	3038-AA64
3761	Trading Card and Order Collection	3038-AA67
3762	Orders From Another Exchange Member on the Floor	3038-AA69
3763	Committee Membership Eligibility	3038-AA70
3764	Affiliations Among Brokers	3038-AA71

[1] The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings, 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar and, on a weekly basis, an advisory which list rules that the Commission is considering or will consider in the near future.

CFTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3765	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3766	Regulation of Hybrid Instruments	3038-AA58
3767	Recordkeeping and The Exchange of Futures for Cash Commodities or of Futures in Connection with Cash Commodity Transactions	3038-AA62
3768	Indemnification of CFTC Employees	3038-AA63
3769	Leverage Transactions	3038-AA65

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3758. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6c; 7 USC 6f; 7 USC 6g; 7 USC 12a

CFR Citation: 17 CFR 1.12; 17 CFR 1.17

Legal Deadline: None

Abstract: The Commission adopted two amendments to its minimum financial and related requirements for futures commission merchants (FCMs). One amendment preserves the one-day grace period for debit/ deficit accounts unless the account had been in debit/deficit status on the previous business day and the previous day's debit or deficit was not timely satisfied in its entirety by the deposit of new funds. The second amendment is an enhancement of the financial early warning system which requires an FCM to notify its designated self-regulatory organization and the Commission immediately when it determines that an account it is carrying is undermargined by an amount which exceeds its adjusted net capital. The Commission also reproposed a rule to clarify the requirements for and treatment of a guaranteed account.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
NPRM	07/29/87	52 FR 28281
NPRM Comment Period End	09/28/87	52 FR 28281

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Two final rules published 7/29/87, 52 FR 28246 and 52 FR 28248. Effective date: 8/28/87. Guaranteed account rule reproposed on 7/29/87, 52 FR 28281.

Agency Contact: Lawrence Patent/Gary Miller, Assoc. Chief Counsel/Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038–AA10

3759. RULES RELATING TO COMMISSION REVIEW OF NATIONAL FUTURES ASSOCIATION DECISIONS IN DISCIPLINARY, MEMBERSHIP DENIAL, REGISTRATION AND MEMBER RESPONSIBILITY ACTIONS

Legal Authority: 7 USC 21(h); 7 USC 21(i); 7 USC 21(o)(2); 7 USC 12(a)(5); 7 USC 4a

CFR Citation: 17 CFR 3; 17 CFR 171

Legal Deadline: None

Abstract: The Commission proposes to adopt rules establishing standards and procedures for Commission review of decisions of registered futures associations such as the National Futures Association ("NFA"). The Commission is proposing specific standards of review for decisions by NFA in four types of actions - disciplinary actions, membership denial actions, registration actions and member responsibility actions. The proposed rules would establish a common procedure for seeking review and a stay of a final decision by NFA in disciplinary, membership denial and registrations actions. The proposed rules would also establish a procedure for seeking review of and a stay of decisions by NFA in a member responsibility action. In proposing these rules, the Commission seeks to promulgate standards for review that will permit NFA to exercise its expertise and independent judgment in the proceedings subject to these rules while providing a person aggrieved by the result of NFA's action an effective means to obtain relief from prejudicial errors in NFA's determination. The Commission also seeks to establish an appellate process that is comprehensive, balanced, efficient and fair.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Richards, Deputy Chief, Options Section, Office of General Counsel, Commodity Futures Trading Commission, 2033 K St. N.W., Washington, D.C. 20581, **202 254-7110**

RIN: 3038–AA57

3760. DISTRIBUTION OF "RISK DISCLOSURE STATEMENT" BY FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS

Legal Authority: 7 USC 6(b); 7 USC 6b; 7 USC 6g(1); 7 USC 6o; 7 USC 12a(5); 7 USC 24

CFR Citation: 17 CFR 1.55; 17 CFR 30.6; 17 CFR 190.10

Legal Deadline: None

Abstract: The Commission is considering whether to amend Rule 1.55, its basic rule with respect to risk disclosure by futures commission merchants and introducing brokers. Any such amendments would be designed to further simplify risk disclosure with respect to trading of domestic and foreign futures products so as to reduce the number of separate risk disclosure documents required by the Commission, the National Futures Association and other self-regulatory organizations (SROs), including foreign SROs. The Commission may also consider whether the current rules need to be clarified regarding disclosure of the risk of bankruptcy and disclosures required when an account is transferred from one futures commission merchant or introducing broker to another futures commission merchant or introducing broker.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	
NPRM Comment Period End	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA64

3761. ● TRADING CARD AND ORDER COLLECTION

Legal Authority: 7 USC 6; 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1.35 (d); 17 CFR 1.35 (j); 17 CFR 1.35(a-1)

Legal Deadline: None

Abstract: The proposed rulemaking will establish requirements for frequent collection of trading cards and filled customer order tickets on the exchanges during the trading day. Specifically, the rulemaking will require that such records be collected at intervals not to exceed one half hour during a brief implementation stage and thereafter at intervals not to exceed 15 minutes. Such defined periods shall include separately designated opening and closing periods with a separate trade record submission requirement. In addition, the rule will require that all trading cards be timestamped upon completion or collection, be prenumbered, that exchange members account for all trading cards and record trades in chronological order as sequential lines of a trading card. These rules, among other things, will improve the audit trail for all trades and limit any opportunity to alter such records.

Timetable:

Action	Date	FR Cite
NPRM	09/07/89	54 FR 37117
NPRM Comment Period End	10/10/89	
Final Action	01/01/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia Apfelbaum, Assistant Director, Commodity Futures Trading Commission, 2033 K ST NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA67

3762. ● ORDERS FROM ANOTHER EXCHANGE MEMBER ON THE FLOOR

Legal Authority: 7 USC 6; 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1.35

Legal Deadline: None

Abstract: The anticipated proposed regulation will amend existing regulation 1.35 to require that an order ticket be prepared for orders placed by members on the floor of an exchange with another member for execution (CTI 3 trades) as is presently required for all other orders. Currently, regulation 1.35 (a-1) (3) exempts a member receiving an order from another member on the floor from the requirements of this regulation, which requires that an order ticket be prepared and time stamped upon receipt, if the member receiving such order notes on his trading card or other record the time of execution to the nearest minute. Alternatively, the proposed regulation may require other audit trail improvements for such orders. The proposed amendment is intended to improve the available audit trail for orders executed on behalf of members on the floor of an exchange so that the trading activity of those members may be better monitored. The proposed regulation will contain an exemption for certain inter-commodity or futures/option spread transactions to preserve the efficient execution of such orders. Because of the relatively small number of orders for members on the floor, the Commission (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: believes that the additional burden imposed by the requirement will not be economically significant.

Agency Contact: Elliot Levine, Staff Attorney, Commodity Futures Trading Commission, 2033 K ST NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA69

3763. ● COMMITTEE MEMBERSHIP ELIGIBILITY

Legal Authority: 7 USC 5; 7 USC 6b; 7 USC 7; 7 USC 7a; 7 USC 8; 7 USC 13a; 7 USC 12; 7 USC 12a; 7 USC 13; 7 USC 21; 7 USC 26(b)

CFR Citation: 17 CFR 1.63

Legal Deadline: None

Abstract: This rule would require self-regulatory organizations (SROs), i.e., contract markets, clearing organizations, and the National Futures Association, to implement rules that prohibit persons with significant disciplinary histories from serving on SRO disciplinary committees, arbitration panels and governing boards. The rule is intended to uphold the perceived integrity of the SROs and thereby enhance the effectiveness of the self-regulatory system.

Timetable:

Action	Date	FR Cite
NPRM	09/06/89	54 FR 37001
NPRM Comment Period End	11/06/89	
Final Action	01/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David P. Van Wagner, Special Counsel, Commodity Futures Trading Commission, 2033 K ST NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA70

CFTC — Proposed Rule Stage

3764. ● AFFILIATIONS AMONG BROKERS

Legal Authority: 7 USC 6; 7 USC 7a; 7 USC 12a

CFR Citation: 17 CFR 1

Legal Deadline: None

Abstract: The Commission proposes to develop regulations to assure the adequate monitoring of trading activity among affiliated brokers, which may include a definition of such affiliations and a requirement that exchanges implement registration procedures for such entities.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	
Final Action	04/07/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elliot Levine, Staff Attorney, Commodity Futures Trading Commission, 2033 K ST NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA71

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Completed Actions

3765. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Completed:

Reason	Date	FR Cite
Withdrawn To Be Included in RIN 3038-AA58	08/09/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert H. Rosenfeld 202 254-8955

RIN: 3038–AA03

3766. REGULATION OF HYBRID INSTRUMENTS

CFR Citation: 17 CFR 34

Completed:

Reason	Date	FR Cite
Final Action	07/21/89	54 FR 30684
Final Action Effective	07/21/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert H. Rosenfeld 202 254-6990

RIN: 3038–AA58

3767. RECORDKEEPING AND THE EXCHANGE OF FUTURES FOR CASH COMMODITIES OR OF FUTURES IN CONNECTION WITH CASH COMMODITY TRANSACTIONS

CFR Citation: 17 CFR 1.35 (a-2)

Completed:

Reason	Date	FR Cite
Final Action	08/17/89	54 FR 33678
Final Action Effective	11/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia C. Apfelbaum 202 254-8955

RIN: 3038–AA62

3768. INDEMNIFICATION OF CFTC EMPLOYEES

CFR Citation: 17 CFR 140; 28 CFR 50.15

Completed:

Reason	Date	FR Cite
Final Action	06/14/89	54 FR 25233
Final Action Effective	06/14/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David W. Kuhnsman 202 254-9880

RIN: 3038–AA63

3769. LEVERAGE TRANSACTIONS

CFR Citation: 17 CFR 1.3 (ff); 17 CFR 3.2; 17 CFR 3.3; 17 CFR 3.17; 17 CFR 3.18; 17 CFR 3.20; 17 CFR 3.21; 17 CFR 3.31; 17 CFR 3.32; 17 CFR 3.33; 17 CFR 3.40; 17 CFR 3.43; 17 CFR 31; 17 CFR 145.5(d)(1)(i)(H); 17 CFR 147.3(b)(4)(i)(A)(8); ...

Completed:

Reason	Date	FR Cite
Final Action	10/05/89	54 FR 41068
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent 202 254-8955

RIN: 3038–AA65

[FR Doc. 89-21751 Filed 10-27-89; 8:45 am]

BILLING CODE 6351-01-T

Federal Register

Monday
October 30, 1989

Part XLVI

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by December 31, 1989.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207; (301) 492-6980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601-612, contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act, 5 U.S.C. 602, requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, the objectives and legal basis for the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The regulatory flexibility agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: September 20, 1989.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3770	Rule review	3041-AA24
3771	Rule review	3041-AA25
3772	All-terrain vehicles	3041-AA53
3773	Requirements to make cigarette lighters child resistant	3041-AA73
3774	Method for identifying toys and other articles intended for children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts	3041-AA76
3775	Petition CP 89-2 requesting development of a standard for electric heat tape	3041-AA78
3776	Petition CP 89-3 for safety standard for hand-held electric hair dryers	3041-AA79
3777	Petition HP 89-1 for rule to ban certain crib toys	3041-AA83
3778	Petition CP 89-1 for safety standard for saunas	3041-AA85

CPSC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3779	Petition PP 88-2 for rules to require child-resistant packaging for products containing acetonitrile or sodium bromate or potassium bromate	3041-AA86
3780	Petition CP 89-4 for Labeling Rule Applicable to Water Beds	3041-AA89

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3781	Requirements for the special packaging of household substances; revision of test protocol for child resistant packaging	3041-AA22
3782	Proposed rule to exempt electronic video games from electrical toy regulations	3041-AA41
3783	Household substances containing methylene chloride; status as hazardous substances; proposed rule	3041-AA59

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3784	Poison Prevention Packaging Act requirements for certain effervescent acetaminophen tablets, proposed amendment of exemption	3041-AA69
3785	Poison Prevention Packaging Act requirements for certain unflavored aspirin in powder form, proposed amendment of exemption	3041-AA70
3786	Poison Prevention Packaging Act requirements for certain medroxyprogesterone acetate tablets, proposed amendment of exemption	3041-AA71
3787	Proposed rule to exempt medroxyprogesterone acetate tablets from Poison Prevention Packaging Act requirements for child-resistant packaging	3041-AA77
3788	Application for exemption from preemption; proposed rule	3041-AA82

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3789	Proposed rule to exempt medroxyprogesterone acetate tablets from Poison Prevention Packaging Act requirements for child-resistant packaging	3041-AA84

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Prerule Stage

3770. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: The Commission plans to publish a Federal Register notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	11/00/89	
Public comment period ends	01/00/90	

Small Entities Affected: Businesses

CPSC

Prerule Stage

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA24

3771. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: On February 22, 1984, the Commission published a Federal Register notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public comment period ends	04/23/84	49 FR 6504
End Review	11/30/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA25

3772. ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1262(f) Federal Hazardous Substances Act

CFR Citation: 16 CFR 00

Legal Deadline: None

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a three- or four-wheeled motorized machine, designed for off-road use, and intended to be ridden by one person. A consent decree in the U.S. District Court of the District of Columbia in U.S. v. American Honda Motor Co. et al., approved on April 28, 1988, Civil Act. No. 87-3525 GAG), required ATV manufacturers to attempt in good faith to reach agreement on a voluntary standard for the Commission's consideration. The Commission accepted that standard, along with an industry agreement concerning lateral stability, on October 28, 1988. Except for lateral stability and youth models, the Commission will defer rulemaking for a time sufficient for the voluntary standard to be adopted by the American National Standards Institute. Also, the Commission concluded that for labeling, manuals, age recommendations, advertising, training, point-of-purchase materials, and other

Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391
Staff sends status report to Commission	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT. aspects of manufacturing and marketing of ATVs which are controlled by the consent decree, rulemaking is no longer required. The staff plans to send a status report to the Commission in December concerning progress on the voluntary standard and development of requirements for lateral stability of ATVs.

Agency Contact: Carl Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA53

3773. REQUIREMENTS TO MAKE CIGARETTE LIGHTERS CHILD RESISTANT

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1261 et seq Federal Hazardous Substances Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On March 3, 1988, the Commission published an Advance Notice of Proposed Rulemaking (ANPRM) to announce its preliminary determination that unreasonable risks of death and injury may be associated with cigarette lighters because they are not sufficiently resistant to operation by children. The Commission staff is analyzing comments received in response to the ANPRM. A test protocol using panels of children and adults is under development. The test protocol will be used to determine the child resistance of lighters now on the market and to evaluate lighter modifications reported to be more child resistant. A child resistant cigarette lighter standard will be developed using the test protocol as a basis.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/88	53 FR 6833
ANPRM Comment Period End	05/02/88	53 FR 6833
Staff sends briefing package on NPRM to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: L. James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA73

CPSC

Prerule Stage

3774. METHOD FOR IDENTIFYING TOYS AND OTHER ARTICLES INTENDED FOR CHILDREN UNDER 3 YEARS OF AGE WHICH PRESENT CHOKING, ASPIRATION, OR INGESTION HAZARDS BECAUSE OF SMALL PARTS

Legal Authority: 15 USC 1261 to 1262 Federal Hazardous Substance Act

CFR Citation: 16 CFR 1501

Legal Deadline: None

Abstract: The Commission has a regulation applicable to toys and other articles intended for children under three years old that prescribes a test cylinder to determine if articles, or detachable parts of such articles, present a choking hazard to young children. Articles or components which fit within the test cylinder are banned. Although this regulation has been in effect since January 1980, choking incidents have occurred since it went into effect involving products which either pass the test or which are exempt from the regulation. The Commission has established a project to gather information about the nature and causes of these incidents and to determine what, if any, additional measures are needed to reduce injuries and deaths from such incidents, including possible modification of the small parts test cylinder. The Commission published an ANPRM on June 7, 1988, to solicit comments on ways to address choking hazards to young children, including specific modifications of the test cylinder requested in a petition from the Consumer Federal of America and the New York State Attorney General's Office.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/88	53 FR 20865
ANPRM Comment Period End	08/08/88	53 FR 20865
Notice announcing establishment of medical advisory committee	01/19/89	54 FR 2198

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: In the Federal Register of January 19, 1989, the Commission published a notice to announce the establishment of a medical advisory committee which will consist of five to seven physicians with specialized training or experience in children's asphyxiation accidents and injuries. The advisory committee will provide expert medical advice to the Commission on appropriate modifications, if any, of the test fixture specified in the small parts regulations and other topics relevant to this rulemaking proceeding.

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA76

3775. PETITION CP 89-2 REQUESTING DEVELOPMENT OF A STANDARD FOR ELECTRIC HEAT TAPE

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2076(e) Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On December 22, 1988 Christian B. Stegeman, III and others petitioned the Commission to begin a proceeding under provisions of the Consumer Product Safety Act for development of a safety standard for electric heat tape. The petition requests the Commission to develop a standard with requirements for the design and performance of electric heat tape and for instructions and warnings to accompany the product. If the Commission grants the petition, it will begin a rulemaking proceeding under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carl Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA78

3776. PETITION CP 89-3 FOR SAFETY STANDARD FOR HAND-HELD ELECTRIC HAIR DRYERS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On September 5, 1988, David A. Snow, President of the Michele Snow Foundation, petitioned the Commission to issue a consumer product safety standard for hand-held electric hair dryers. The petition alleges that hand-held electric hair dryers are associated with five to ten fatal electrocutions of children each year. The petition requests the Commission to issue a safety standard for hand-held electric hair dryers to require immersion detection circuit interrupters to protect against electric shock injuries if the hair dryer accidentally falls into water. The Commission staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding under the Consumer Product Safety Act for development of a consumer product safety standard.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Glatz, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA79

3777. PETITION HP 89-1 FOR RULE TO BAN CERTAIN CRIB TOYS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances

CPSC

Prerule Stage

Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(d) Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18

Legal Deadline: None

Abstract: On November 17, 1988, Consumer Federation of America and the New York State Attorney General's Office petitioned the Commission to begin a proceeding for issuance of a rule to ban certain crib toys and mobiles described in the petition. The petition alleges that these toys present risks of strangulation to infants. If the Commission grants the petition, it will begin a proceeding under the Federal Hazardous Substances Act for issuance of the requested banning rule.

Timetable:

Action	Date	FR Cite
Staff sends briefing package on petition to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Washington, D.C. 20207, 301 492-6554

RIN: 3041–AA83

3778. PETITION CP 89-1 FOR SAFETY STANDARD FOR SAUNAS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On October 4, 1988, Edward Press, M.D. petitioned the Commission to issue a safety standard for saunas. A sauna is a wood-walled enclosure equipped with benches and a heater. The petition alleges that saunas are associated with risks of death and injury from heat stroke or hypothermia, cardiac arrhythmia and cardiac arrest, myocardial infarction, and syncope or fainting. The petition requests the Commission to issue a safety standard for saunas with requirements for signs to warn about hazards associated with use of saunas; a switch outside the sauna enclosure to limit operating time of the sauna to a maximum of ten minutes per setting; a switch inside the sauna enclosure to shut off the sauna when the dry-bulb temperature exceeds 195 degrees F.; adequate ventilation of the sauna enclosure; and an alarm signal which can be activated inside the sauna enclosure to summon aid. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding for development of a consumer product safety standard under provisions of the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to the Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Elder, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041–AA85

3779. PETITION PP 88-2 FOR RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR PRODUCTS CONTAINING ACETONITRILE OR SODIUM BROMATE OR POTASSIUM BROMATE

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On June 27, 1988, the American Association of Poison Control Centers, Inc. petitioned the Commission to issue rules under provisions of the Poison Prevention Packaging Act to require child-resistant packaging for two types of cosmetics: products containing acetonitrile used to remove sculptured nails; and home cold-wave permanent kits containing sodium bromate. The petition alleges that children have suffered serious injuries after accidentally ingesting the products which are the subject of the petition. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition it will begin a proceeding under the Poison Prevention Packaging Act to issue rules requiring child-resistant packaging of household glue removers containing acetonitrile and home permanent wave neutralizers containing sodium or potassium bromate.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041–AA86

3780. ● PETITION CP 89-4 FOR LABELING RULE APPLICABLE TO WATER BEDS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On July 10, 1989, the Commission received a petition from the New York State Attorney General and others requesting initiation of a proceeding for issuance of a labeling rule applicable to adult- sized water beds. The petition asserts that adult-sized water beds are associated with risks of death and injury by suffocation to infants and physically handicapped children, and requests issuance of a rule to require labeling of adult-sized water beds and point-of-sale information to warn of these risks. The Commission staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding under the Consumer Product Safety Act to issue the requested labeling rule.

CPSC

Prerule Stage

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stan Morrow, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA89

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Proposed Rule Stage

3781. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD RESISTANT PACKAGING

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None

Abstract: On January 19, 1983, the Commission published an Advance Notice of Proposed Rulemaking soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. In June 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child-resistant packaging described in the ANPR. In August 1987, the Commission considered the comments received in response to the ANPR and the staff's recommendations regarding revision of existing requirements for child-resistant packaging. The Commission directed the staff to prepare draft proposals to amend the test protocols used to evaluate the effectiveness of child-resistant packaging. The staff is preparing a briefing package concerning specific revisions to the child test protocol and the adult test protocol. The staff anticipates that it will transmit the briefing package to the Commission in September 1989.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389
NPRM	00/00/00	
Staff sends briefing package toCommission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA22

3782. PROPOSED RULE TO EXEMPT ELECTRONIC VIDEO GAMES FROM ELECTRICAL TOY REGULATIONS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from coverage. The Commission granted the petition on September 27, 1988, and expects to publish a proposed exemption later in 1989.

Timetable:

Action	Date	FR Cite
Commission decision	09/27/88	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Thome, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA41

3783. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont.)

CPSC — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: subject to the FHSA's labeling requirements.The rulemaking proceeding is suspended pending a determination of the extent of compliance with the enforcement policy.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Final Rule Stage

3784. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN EFFERVESCENT ACETAMINOPHEN TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Regulations implementing the Poison Prevention Packaging Act exempt effervescent acetaminophen tablets containing less than 10 per cent acetaminophen from requirements for child-resistant packaging. In the Federal Register of October 20, 1988, the Commission published a proposed amendment of those regulations to increase the acetaminophen content of tablets exempted from requirements for child-resistant packaging from less than ten per cent to not more than 15 per cent. In September 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposed amendment and contains a draft notice to issue the proposed amendment on final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41200
NPRM Comment Period End	12/19/88	53 FR 41200
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA69

3785. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN UNFLAVORED ASPIRIN IN POWDER FORM, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Regulations issued under provisions of the Poison Prevention Packaging Act exempt certain unflavored aspirin in powder form which is packaged in unit doses providing not more than 13 grains of aspirin per unit dose from requirements for child-resistant packaging. In the Federal Register of October 20, 1988, the Commission proposed an amendment of those regulations to exempt unflavored aspirin in powder form which is packaged in unit doses providing not more than 15.4 grains of aspirin per dose from requirements for child-resistant packaging. In September 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposed amendment and contains a draft notice to issue the proposed amendment on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 4199
NPRM Comment Period End	12/19/88	53 FR 4199
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA70

3786. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of October 20, 1988, the Commission proposed a rule under provisions of the Poison Prevention Packaging Act to exempt medroxyprogesterone acetate tablets dispensed in mnemonic packages containing not more than 100 milligrams of the drug from requirements for child-resistant packaging. The Commission published this proposal after granting a petition from Ayerst Laboratories. In September 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposal and contains a draft notice to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	53 FR 41202
NPRM Comment Period End	12/19/88	53 FR 41202
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program

CPSC — Final Rule Stage

Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA71

3787. PROPOSED RULE TO EXEMPT MEDROXYPROGESTERONE ACETATE TABLETS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 15 USC et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of January 12, 1989, the Commission published a proposed rule under provisions of the Poison Prevention Act to exempt medroxyprogesterone acetate tablets from requirements for child-resistant packaging. The Commission published this proposal after granting a petition from Upjohn Company. In September 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposed rule and contains a draft notice to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1187
NPRM Comment Period End	03/13/89	54 FR 1187
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA77

3788. APPLICATION FOR EXEMPTION FROM PREEMPTION; PROPOSED RULE

Legal Authority: 15 USC 2075 Consumer Product Safety Act; 15 USC 1261n Federal Hazardous Substances Act; 15 USC 1203 Flammable Fabrics Act; 15 USC 1476 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1061; 16 CFR 1604; 16 CFR 1704

Legal Deadline: None

Abstract: In the Federal Register of December 26, 1988, the Commission published a proposed regulation to establish procedures for submission and consideration of applications by state and local governments for exemption from preemption by statutes, standards, and regulations of the Consumer Product Safety Commission. The proposed regulation would implement provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, and the Poison Prevention Packaging Act which authorize state and local governments to petition the Commission for exemption from preemption of state and local laws by requirements enforced by the Consumer Product Safety Commission, and specify the conditions under which the Commission may grant such petitions.

Timetable:

Action	Date	FR Cite
NPRM	12/28/88	53 FR 52432
NPRM Comment Period End	01/27/89	53 FR 52432
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Stephen Lemberg, Assistant General Counsel, Consumer Product Safety Commission, Office of the General Counsel, Washington, D.C. 20207, **301 492-6980**

RIN: 3041–AA82

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Completed Actions

3789. PROPOSED RULE TO EXEMPT MEDROXYPROGESTERONE ACETATE TABLETS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Duplicate of RIN 3041-AA77	08/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA84

[FR Doc. 89-22834 Filed 10-27-89; 8:45 am]

BILLING CODE 6355-01-T

federal register

Monday
October 30, 1989

Part XLVII

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department unified agenda of regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations, which it will have under development and review during the period of October 1989 through April 1990.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. The FCA is an independent regulatory agency that is exempt from the provisions of Executive Order 12291. Additionally, FCA regulations, which apply to Farm Credit banks and associations and certain other federally chartered entities, generally do not and will not have a substantial impact on "small entities" as that term is defined in the Regulatory Flexibility Act.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: August 25, 1989.

David A. Hill,

Secretary, Farm Credit Administration Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3790	Releasing Information; Investigations; General Provisions; Releasing Information	3052-AA05
3791	Organization: Director Compensation	3052-AA09
3792	Organization: Receiver	3052-AA92
3793	Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Coordination; General Provisions; Definitions	3052-AA94
3794	Debt Collection Act	3052-AB02
3795	Organization and Functions: Service of Process	3052-AB07
3796	Personnel Administration: Human Resources Management	3052-AB08
3797	Loan Policies and Operations	3052-AB09
3798	Eligibility and Scope of Financing	3052-AB10
3799	Rules for the Implementation of the Equal Access to Justice Act (Title V) in Farm Credit Administration Proceedings	3052-AB11
3800	Organization	3052-AB12
3801	Loan Policies and Operations	3052-AB13

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3802	Personnel Administration; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions: Prior Approvals	3052-AB06

FARM CREDIT ADMINISTRATION (FCA) — Proposed Rule Stage

3790. RELEASING INFORMATION; INVESTIGATIONS; GENERAL PROVISIONS; RELEASING INFORMATION

Legal Authority: PL 92-181; PL 99-205; 12 USC 2252(a)(10)

CFR Citation: 12 CFR 602; 12 CFR 617; 12 CFR 618

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R.

Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: James Morris, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052–AA05

3791. ORGANIZATION: DIRECTOR COMPENSATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Agricultural Credit Act of 1987 requires revision to FCA regulations to ensure the rights of shareholders to obtain a copy of the district board policy regarding compensation of district directors and also to inspect and copy the supporting records.

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43081
NPRM Comment Period End	01/08/88	52 FR 43081

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Greg Yowell, Senior Financial Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4371**

RIN: 3052–AA09

3792. ● ORGANIZATION: RECEIVER

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43897
NPRM Comment Period End	11/21/88	53 FR 43897

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: G. Michael Dew, Chief, Special Projects Division, Office of Regulatory Enforcement, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4447**

RIN: 3052–AA92

3793. ELIGIBILITY AND SCOPE OF FINANCING; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; COORDINATION; GENERAL PROVISIONS; DEFINITIONS

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252; 12 USC 2279a; ...

CFR Citation: 12 CFR 613; 12 CFR 614; 12 CFR 615; 12 CFR 616; 12 CFR 618; 12 CFR 619

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AA94

3794. DEBT COLLECTION ACT

Legal Authority: 12 USC 2252(a)(10)

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: GAO and Justice have issued standards for issuance of regulations

Timetable:

Action	Date	FR Cite
NPRM	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Rob Brammer, Chief, Budget & Accounting Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4122**

RIN: 3052–AB02

3795. ORGANIZATION AND FUNCTIONS: SERVICE OF PROCESS

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 600

Legal Deadline: None

Abstract: Establishes the method to be used in order to serve legal process upon the agency, including identification of the agency official designated to receive such process.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary L. Bohlke, Associate General Counsel, Litigation and Enforcement, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4020

RIN: 3052–AB07

3796. PERSONNEL ADMINISTRATION: HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Establishes a broader description of the responsibilities and requirements for human resources management in the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Charles R. Row, Chief, Human Resources Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4135

RIN: 3052–AB08

3797. ● LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Clarify existing policies and procedures for the establishment of a funding relationship between the Farm Credit banks and their affiliated direct lending institutions. Provide uniform guidelines upon which the general financing agreements, associated with such lending relationships, shall be developed and executed.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438
NPRM Resolicitation of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB09

3798. ● ELIGIBILITY AND SCOPE OF FINANCING

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 613

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to borrower eligibility and scope of financing as provided for in the Farm Credit Act of 1971, as amended.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB10

3799. ● RULES FOR THE IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT (TITLE V) IN FARM CREDIT ADMINISTRATION PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 12 CFR 625

Legal Deadline: None

Abstract: Establish procedures for the submission and consideration of applications for an award of fees and other expenses incurred in adversary adjudications before the Farm Credit Administration pursuant to the Equal Access to Justice Act of 1980, as amended. Would be based on the Model Rules issued by the Administrative Conference of the United States at 1 CFR Part 315 (1986).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Anthony N. Torres, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm

FCA — Proposed Rule Stage

Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB11

3300. ● ORGANIZATION

Legal Authority: 12 USC 2011; 12 USC 2021; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; 12 USC 2279a to 2279f-1; PL 100-233, Sec 411; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Establish regulations for the Farm Credit Administration to terminate charters.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Robert Child, Credit Specialist, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AB12

3301. ● LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614

Legal Deadline: None

Abstract: Revisions to various regulations relating to existing Farm Credit institutions lending limits and the establishment of lending limits for those Farm Credit institutions created pursuant to the Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438
NPRMResolicitation of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Lori Markowitz, Financial Analyst, Office of Financial Analysis, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4426**

RIN: 3052–AB13

FARM CREDIT ADMINISTRATION (FCA) — Final Rule Stage

3302. PERSONNEL ADMINISTRATION; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS: PRIOR APPROVALS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 612; 12 CFR 614; 12 CFR 615; 12 CFR 618

Legal Deadline: None

Abstract: Eliminates prior approval portions of certain regulations requiring institutions to submit certain proposed policies, procedures, programs and activities to FCA for its approval prior to the institution implementing such policies, procedures, programs and activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/89	54 FR 1149

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: John C. Moore, Deputy Chief, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4402**

RIN: 3052–AB06

[FR Doc. 89-21752 Filed 10-27-89; 8:45 am]

BILLING CODE 6705-01-T

Federal Register

Monday
October 30, 1989

Part XLVIII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; October 1989

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the CFR citations and legal authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167: 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item.

The Unified Agenda is published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tenecia Moncrief, Office of Managing Director, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB publishes the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "MM Docket 79-164," which indicates that the responsible Bureau is the Mass Media Bureau. When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking but before the Commission has taken action on the petition

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Donna R. Searcy,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3803	Jurisdictional Separation Procedures: Central Office Equipment (Circuit Equipment) and Cable and Wire Facilities	3060-AE14

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3804	Satellite Communications	3060-AD70
3805	Deregulation of Certain Basic Services	3060-AE02
3806	Regulatory Policies and International Telecommunications: Notice of Inquiry and Proposed Rulemaking	3060-AE03
3807	Jurisdictional Separations Procedures: Central Office Equipment Category 3, Local Switching Equipment	3060-AE06
3808	Jurisdictional separations procedures: Reconsideration of the decision to exclude access revenues from the allocation of marketing expenses	3060-AE07
3809	Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons	3060-AE39
3810	Telephone Company Cable Television Cross-Ownership Rules Sections 63.54-63.56	3060-AE40
3811	Cellular Resale Policies	3060-AE57

FCC

COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3812	Jurisdictional Separations: Mixed Use Special Access	3060-AD93
3813	Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313	3060-AE38

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3814	900 MHz G/NG Fixed	3060-AD55
3815	LTTS Reallocation	3060-AD67
3816	Part 15 Revision	3060-AD68
3817	Cordless Telephones	3060-AD95
3818	Alternative Type Acceptance Procedure	3060-AD99
3819	Verification of Parts 73, 74, and Devices	3060-AE00
3820	Cellular Flexibility	3060-AE15
3821	Proposal to Create a New Air-to-Ground Public Switched Telephone Network (PSTN) Interconnected Service	3060-AE36
3822	Part 15 Measurement Procedures	3060-AE37
3823	Part 15 Measurement Procedures	3060-AE54
3824	L-Band Reconsideration	3060-AE55
3825	Lo-Jack Vehicle Recovery System	3060-AE56
3826	Cordless Phone Channel Split	3060-AE61

OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3827	216 - 225 MHz Allocations	3060-AC91
3828	Scanning Receiver Labelling	3060-AE18

FIELD OPERATIONS BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3829	In the matter of an Automatic Transmitter Identification System (ATIS) for Radio Transmitting Equipment (Gen. Doc. #86-337)	3060-AE25

MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3830	Broadcast EEO: Reconsideration	3060-AD73
3831	Radio Multiple Ownership & Cross Ownership Rules	3060-AD78
3832	Satellite Television Stations	3060-AD79
3833	AM Expanded Band: Domestic	3060-AD92
3834	Wireless Cameras	3060-AE10
3835	FM Translators: Moody Bible	3060-AE11
3836	FM/TV Directional Antenna	3060-AE12
3837	Channels 14/69 Interference: NOI/NPRM	3060-AE13
3838	FM Translators: NOI/NPRM	3060-AE23
3839	Advanced Television Systems	3060-AE24

FCC

MASS MEDIA BUREAU—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3840	FM Class C3 and Class A FM Upgrade Petitions	3060-AE30
3841	Non-Stock Entities	3060-AE31
3842	Cable System Definition	3060-AE34
3843	AM: Enhanced Nighttime Operation	3060-AE35
3844	Interference Reduction Agreements	3060-AE51
3845	Comparative New Criteria	3060-AE52
3846	Syndex for TVROs	3060-AE53

MASS MEDIA BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3847	Comparative Renewal	3060-AE27
3848	AM: Skywave Propagation	3060-AE28
3849	AM: Ground Propagation: FNOI/FNPRM	3060-AE29

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3850	Section 73.37(e): Petition for Reconsideration	3060-AD63
3851	TV Networks Rules: Two-year Rule	3060-AE32

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3852	Subpart M&S Reconsideration	3060-AE42
3853	National Public Safety Plans	3060-AE43
3854	Wireline Common Carriers-Operation of SMRS	3060-AE46
3855	Trunking of conventional channels (800 mhz & above)	3060-AE47
3856	Special Emergency Radio Private Carriers	3060-AE49
3857	Harris Petition-2.5 channelization plan	3060-AE58
3858	PR Docket 89-45, Private Carrier Eligibility-Expansion of eligibility to permit licensing of private carriers below 800MHz	3060-AE59
3859	Frequency Coordination-alternatives and options to the present frequency coordination system	3060-AE60

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3860	Wireline Common Carriers - Operation of SMRS	3060-AD54
3861	Multiple Address Systems	3060-AE09
3862	Amend Part 80 to preclude accidental or intentional off- frequency operation of externally controlled synthesized radio transmitters	3060-AE41
3863	Secondary Fixed Tone Signalling	3060-AE44
3864	Conditional Licensing	3060-AE45

FCC

PRIVATE RADIO BUREAU—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3865	Amend Part 80 to preclude accidental or intentional off- frequency operation of externally controlled synthesized radio transmitters	3060-AE48

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMMON CARRIER BUREAU

Prerule Stage

3803. JURISDICTIONAL SEPARATION PROCEDURES: CENTRAL OFFICE EQUIPMENT (CIRCUIT EQUIPMENT) AND CABLE AND WIRE FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: With the issuance of this Order inviting comments and requests for data, we are seeking information concerning the jurisdictional separations separations treatment of investment in Cable and Wire Facilities and in Circuit Equipment.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
Order inviting comments	10/15/87	52 FR 43206
Request for Comments (Joint Board)	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286 CC Docket No. 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE14

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMMON CARRIER BUREAU

Proposed Rule Stage

3804. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to develop a record and to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies. Will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	52 FR 6175
ANPRM Comment Period End	11/01/87	
Final App. Proc. Rules	12/00/89	
Final Technical Rules	12/00/90	
Final Action	12/00/90	
Final Action Effective	02/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Rosalee Gorman or Fern Jarmulnek, Staff Attorneys, Federal Communications Commission, 2025 M Street, N.W., Room 6324, Washington, D.C. 20554, **202 634-1624**

RIN: 3060–AD70

3805. DEREGULATION OF CERTAIN BASIC SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 303(g); 47 USC 303(r); 47 USC 403; 47 USC 404; 5 USC 553

CFR Citation: 47 CFR 1.48; 47 CFR 1.49; 47 CFR 1.419

Legal Deadline: None

Abstract: Proposed reduction of regulation for certain basic services

offered by dominant carriers based on a service-by-service analysis of competition. Contract services and packet switched services are targeted for such potential deregulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	
NPRM Comment Period End	04/10/87	
Supplemental NPRM/Order	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CC Docket 86-421

Agency Contact: Cynthia Werkr, Deputy Chief, Policy and Program Planning Division, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-4047

RIN: 3060–AE02

3806. REGULATORY POLICIES AND INTERNATIONAL TELECOMMUNICATIONS: NOTICE OF INQUIRY AND PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201 to 205; 47 USC 214; 47 USC 218 to 222; 47 USC 301; 47 USC 302

CFR Citation: 47 CFR 63.01; 47 CFR 63.701; 47 CFR 68.226; 47 CFR 63.703; 47 CFR 63.10; 47 CFR 63.702; 47 CFR 68.01; 47 CFR 69.01

Legal Deadline: None

Abstract: The Report and Order adopted certain information gathering measures designed to increase the Commission's knowledge of the extent of participation in the U.S market by foreign companies and service providers. Four petitions for reconsideration were filed in response to the Report and Order. Reporting requirement were modified to address concerns raised by the petitioners.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	
NPRM Comment Period End	05/22/87	
R&O	03/25/88	
Order on Reconsideration	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William J. Kirsch, Deputy Asst. Bureau Chief/International, Federal Communications Commission, 1919 M Street, N.W. Room 544, Washington, D.C. 20554, 202 632-4047

RIN: 3060–AE03

3807. JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT CATEGORY 3, LOCAL SWITCHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36

Legal Deadline: None

Abstract: We are seeking comments on the development of other relative use allocators, including Switched Minutes of Use (SMOU) to allocate Central Office Equipment investment included in the Local Switching Equipment Category in the Part 36 Separations Manual.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
Recom. Decision and Order(Joint Board)	04/08/87	52 FR 15354
Report and Order	05/01/87	52 FR 17228
Recom. Decision and Order	12/00/89	
Report and Order	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: CC Docket 80-286

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-7500

RIN: 3060–AE06

3808. JURISDICTIONAL SEPARATIONS PROCEDURES: RECONSIDERATION OF THE DECISION TO EXCLUDE ACCESS REVENUES FROM THE ALLOCATION OF MARKETING EXPENSES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: We are addressing the petitions for reconsideration filed by parties urging the FCC to reconsider its decision to exclude access revenues from the allocation factor for marketing expenses. We also are initiating a further proceeding to reexamine the separations treatment of marketing expenses.

Timetable:

Action	Date	FR Cite
Recom. Decision and Order	12/00/89	
Report and Order	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket 78-72 CC Docket 80-286 CC Docket 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, 202 632-7500

RIN: 3060–AE07

3809. ACCESS TO TELECOMMUNICATIONS EQUIPMENT AND SERVICES BY THE HEARING IMPAIRED AND OTHER DISABLED PERSONS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 710

CFR Citation: 47 CFR 68.312(c); 47 CFR 68.4; 47 CFR 68.5; 47 CFR 64.605; 47 CFR 69.118; 47 CFR 69.603

Legal Deadline: Final, Statutory, May 16, 1989. Other, Statutory, July 27, 1989. Hearing Aid Compatibility Act of 1988 Telecommunications Accessibility Enhancement Act of 1988

Abstract: This proceeding consists of two phases; one dealing with the telephone hearing aid compatibility issue and the other addressing the

FCC—CCB

Proposed Rule Stage

implementation of an interstate relay system for users of telecommunications devices for the deaf (TDDs). In Phase One, consistent with P.L. 100-394, the FCC adopted rules on May 4, 1989, requiring nearly all telephones manufactured in or imported into this country after August 16, 1989, to be hearing aid compatible. On July 27, 1989, the FCC concluded its NOI in Phase Two of this proceeding by finding that an interstate TDD relay system is in the public interest and issuing a FNPRM. The FNPRM offers two approaches for providing interstate relay service: one requiring all interexchange carriers subject to Sec. 69.116(a) of the rules to individually or jointly provide the service, and the other assigning the managerial and operation responsibilities of the system to the National Exchange Carrier Association.

Timetable:

Action	Date	FR Cite
Further NPRM	02/28/89	
Report and Order Phase One - Effective 8/16/89	05/04/89	
Further NPRM Phase Two	07/27/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert James, Electronics Engineer, Federal Communications Commission, 202 634-1831

RIN: 3060–AE39

3810. TELEPHONE COMPANY CABLE TELEVISION CROSS-OWNERSHIP RULES SECTIONS 63.54-63.56

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 215; 47 USC 218; 47 USC 220; 47 USC 309(e) to 309(h); 47 USC 313; 47 USC 405; 47 USC 412; 47 USC 522

CFR Citation: 47 CFR 63.54; 47 CFR 63.55; 47 CFR 63.56; 47 CFR 63.57; 47 CFR 63.58

Legal Deadline: None

Abstract: This proceeding addresses the statutory restrictions which prohibit telephone companies from providing cable television service within their telephone service areas. The FCC has tentatively concluded that the statutory restrictions should be repealed. The Commission solicited comments and will decide whether to recommend to Congress whether the restrictions should be repealed. The Commission also issued an NPRM to modify the standards of affiliation between cable companies and telephone companies.

Timetable:

Action	Date	FR Cite
Further NOI and NPRM	09/22/89	53 FR 38042

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick J. Donovan, Attorney, Federal Communications Commission, 202 634-1832

RIN: 3060–AE40

3811. CELLULAR RESALE POLICIES

Significance: Agency Priority

Legal Authority: 47 USC 201(a); 47 USC 201(b)

CFR Citation: None

Legal Deadline: None

Abstract: The Commission will determine whether to continue to apply its previous resale policies to resale by cellular entities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Abraham Leib, Chief, Legal Branch, Mobile Svcs. Div., Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-6450

RIN: 3060–AE57

FEDERAL COMMUNICATIONS COMMISSION (FCC)
COMMON CARRIER BUREAU

Final Rule Stage

3812. JURISDICTIONAL SEPARATIONS: MIXED USE SPECIAL ACCESS

Significance: Agency Priority

Legal Authority: 47 USC 410; 47 USC 154(i); 47 USC 154(j); 47 USC 201 to 205; 47 USC 218

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: This proceeding concerns the allocation between the state and federal jurisdictions of the costs of special access lines (including those used with WATS service) that carry both interstate and intrastate traffic.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	
Joint Board Recommended Decision	02/08/89	
Order	07/20/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claudia Pabo, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C., 202 632-4947

RIN: 3060–AD93

3813. POLICY AND RULES CONCERNING RATES FOR DOMINANT CARRIERS, CC DOCKET NO. 87-313

Significance: Agency Priority

Legal Authority: 47 USC 154(j); 47 USC 154(i); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 303(r); 47 USC 403; 5 USC 553

CFR Citation: 47 CFR 1.773; 47 CFR 61.3; 47 CFR 61.32; 47 CFR 61.33; 47 CFR 61.38; 47 CFR 61.49; 47 CFR 61.41; 47 CFR 61.42; 47 CFR 61.43; 47 CFR 61.44;

FCC—CCB **Final Rule Stage**

47 CFR 61.45; 47 CFR 61.47; 47 CFR 61.58; 47 CFR 65.701; 47 CFR 65.1; ...

Legal Deadline: None

Abstract: The Commission has adopted final rules that implement price cap regulation for American Telephone and Telegraph Company. The price cap rules replace rate of return regulation, which sets limits on carrier earnings, with a system of regulation that directly limits the prices a carrier can charge for service. The Commission found that price cap regulation will provide incentive for AT&T to become more efficient and innovative, and will benefit consumers by creating a system that will result in aggregate prices that are lower than aggregate prices would have been under rate or return. The Commission has also adopted a Second Further Notice of Proposed Rulemaking containing a specific plan for implementing a modified form of price cap regulation for local exchange carriers' interstate rates.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 33962
NPRM Comment Period End	02/17/88	
Further Notice of Proposed Ruling	05/23/88	53 FR 22356
FNPRM Public Comment Period End	08/26/88	53 FR 22356
Report and Order	03/16/89	54 FR 19836
Second FNPRM	03/16/89	54 FR 19846
Report and Order	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Brown, Senior Attorney, Tariff Division, Federal Communications Commission, **202 632-5550**

RIN: 3060–AE38

FEDERAL COMMUNICATIONS COMMISSION (FCC) OFFICE OF ENGINEERING AND TECHNOLOGY

Proposed Rule Stage

3814. 900 MHZ G/NG FIXED

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 74; 47 CFR 94

Legal Deadline: None

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-943 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
NPRM Comment Period End	11/02/87	
R&O	02/28/89	
MO&O	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: 82-243

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M St., NW, Rm. 7332, Washington, DC 20554, **202 653-8116**

RIN: 3060–AD55

3815. LTTS REALLOCATION

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 74

Legal Deadline: None

Abstract: Reallocation of the Local Television Transmission Service (LTTS) from the 11.7-12.2 GHz band to the 14.2-14.4 GHz band. This reallocation is designed to permit improved frequency sharing between the LTTS and the fixed-satellite services.

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-136

Agency Contact: Ray LaForge, Federal Communications Commission, 2025 M Street, N.W., Room 7328, Washington, D.C. 20554, **202 653-8117**

RIN: 3060–AD67

3816. PART 15 REVISION

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: A comprehensive revision of Part 15 which proposes to allow marketing and use of a greater variety of devices, and to reduce the regulatory burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	
NPRM Comment Period End	05/09/88	
R&O	04/18/89	
MO&O	10/00/89	
MO&O	01/00/90	
MO&O	04/00/90	
MO&O	07/00/90	
MO&O	10/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 87-389

Agency Contact: John Reed, Federal Communications Commission, 2025 M Street, N.W., Room 7122, Washington, D.C. 20554, **202 653-7313**

RIN: 3060–AD68

3817. CORDLESS TELEPHONES

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Petition from TIA requesting that the Commission require the use of coding to address the problem of false dialing will be addressed concurrently

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: RM-5320

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, **202 653-7314**

RIN: 3060–AD95

3818. ALTERNATIVE TYPE ACCEPTANCE PROCEDURE

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: That proceeding in Docket No. 85-171 proposed a new technique that would allow maximum flexibility in getting innovative new equipment designs into the marketplace. This proposal will be a new approach to solve some of the technical and administrative problems identified in Docket 85-171.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	
NPRM Comment Period End	02/25/88	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 85-171

Agency Contact: Hector Davis, Federal Communications Commission, 7435 Oakland Mills Road, Guilford, MD 21045, **301 725-1585**

RIN: 3060–AD99

3819. VERIFICATION OF PARTS 73, 74, AND DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 73; 47 CFR 74; 47 CFR 78

Legal Deadline: None

Abstract: Proposal for relaxation of the rules to change the equipment authorization procedure for certain devices subject to Parts 73, 74, and 78 from notification to the less burdensome verification procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	02/01/88	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-552

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, **202 653-8107**

RIN: 3060–AE00

3820. CELLULAR FLEXIBILITY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22

Legal Deadline: None

Abstract: Proceeding will investigate approach to relax technical standards for new cellular spectrum at 800 MHZ in order to provide flexibility to licensees for implementation of new technologies and new service offerings.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	
R&O	12/12/88	
MO&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-390

Agency Contact: Hector Husnay, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, **202 653-8108**

RIN: 3060–AE15

3821. PROPOSAL TO CREATE A NEW AIR-TO-GROUND PUBLIC SWITCHED TELEPHONE NETWORK (PSTN) INTERCONNECTED SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: The Commission proposes to amend Parts 2 and 22 and/or Parts 2 and 90 of its rules to permit use of four megahertz of reserve spectrum at 849/851/894-896 MHz for an air-to-ground telephone service. This action also proposes licensing policies and technical guidelines for the air-to-ground service.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	
NPRM Comment Period End	04/27/88	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 88-96

Agency Contact: Rodney Small, Federal Communications Commission, **202 653-8116**

RIN: 3060–AE36

3822. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to revise the Commission's Measurement Procedure (MP-4) recommended for testing of computing devices, based on the Part 15 revision in Docket No. 87-389, and on a proposal by CBEMA to revise the MP.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Art Wall, Federal Communications Commission, **202 725-1585**

RIN: 3060–AE37

3823. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: In support of the revision of Part 15, MP-12 (intentional radiators above 30 MHz); MP-14 (unintentional radiators above 30 MHz); and MPs 1 and 11 (remote control and security

FCC—OET **Proposed Rule Stage**

devices) will be revised to conform with the new format and prepared as separate NPRMs.

Timetable:

Action	Date	FR Cite
NPRM	06/29/89	
R&O	03/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 89-116,89-117,89-118

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE54

3824. L-BAND RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Respond to petitions from certain aviation parties for further reconsideration of the mobile satellite service allocation at L-band.

Timetable:

Action	Date	FR Cite
MO&O	08/04/89	
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ray Laforge, Federal Communications Commission, 202 653-8117

RIN: 3060–AE55

3825. LO-JACK VEHICLE RECOVERY SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 90

Legal Deadline: None

Abstract: In response to petition from Lo-Jack Corporation, allocate 173.075 MHz for a stolen vehicle recovery system.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	
NPRM Comment Period End	12/21/88	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: 88-566

Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-8112

RIN: 3060–AE56

3826. ● CORDLESS PHONE CHANNEL SPLIT

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to permit cordless telephone operation on channels that are offset from currently specified channels.

Timetable:

Action	Date	FR Cite
R&O	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Joe Husnay, Federal Communications Commission, 301 653-8114

RIN: 3060–AE61

FEDERAL COMMUNICATIONS COMMISSION (FCC) OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

3827. 216 - 225 MHZ ALLOCATIONS

Significance: Agency Priority

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
Final Action	06/15/89	
Final Action Effective	06/15/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Fred Thomas 202 653-8112

RIN: 3060–AC91

3828. SCANNING RECEIVER LABELLING

Significance: Agency Priority

CFR Citation: 47 CFR 15

Completed:

Reason	Date	FR Cite
Final Action	03/03/89	
Final Action Effective	03/03/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Paul Marrangoni 202 653-8107

RIN: 3060–AE18

FEDERAL COMMUNICATIONS COMMISSION (FCC)
FIELD OPERATIONS BUREAU

Proposed Rule Stage

3829. IN THE MATTER OF AN AUTOMATIC TRANSMITTER IDENTIFICATION SYSTEM (ATIS) FOR RADIO TRANSMITTING EQUIPMENT (GEN. DOC. #86-337)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 154(j); 47 USC 302; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 25

Legal Deadline: NPRM, Statutory, October 20, 1986. Other, Statutory, September 14, 1987.
Further Notice of Proposed Rulemaking

Abstract: This proceeding looks to establish a means by which radio emissions might be encoded with a distinct automatically transmitted identifier to benefit orderly management of the radio spectrum by identifying the source of radio frequency interference to other radio signals. For video satellite uplink stations regulated under Part 25 of the Commission's rules, it proposes rules regarding such identifiers. There are no significant alternatives being considered that are consistent with stated objectives. Every operator of a satellite video uplink would be required to purchase and operate a device to insert identification on all transmissions. Approximately 1,000 stations would be involved. Each encoder would cost under $2000. Operating upkeep expenses should be minimal.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 32223
Further NPRM	07/09/87	52 FR 26538
R&O	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Hudak, Chief, Signal Analysis Branch, Federal Communications Commission, Enforcement Division, Room 744, 1919 M St., N.W., Washington, D.C. 20554, 202 632-6977

RIN: 3060–AE25

FEDERAL COMMUNICATIONS COMMISSION (FCC)
MASS MEDIA BUREAU

Proposed Rule Stage

3830. BROADCAST EEO: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Legal Deadline: None

Abstract: The Commission has adopted new Equal Employment Opportunity (EEO) rules and reporting requirements for broadcasters that emphasize a licensee's overall EEO efforts rather than the numerical composition of its workforce. Reconsideration requested.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	
R&O	04/16/87	
MO&O	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: mmb-298 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AD73

3831. RADIO MULTIPLE OWNERSHIP & CROSS OWNERSHIP RULES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3555

Legal Deadline: None

Abstract: In its 2nd R&O in this proceeding, the FCC established new waiver procedure with respect to the common ownership of radio and television stations in the same market. Under this procedure, the FCC determined that it would look with favor upon waiver applications in the top 25 TV markets (1) where there would be at least 30 "voices" following the proposed combination, and (2) where the proposed combination involved a "failed" station. Reconsideration requested.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	12/12/88	
MO&O	08/02/89	
NOI	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: MMB-414 NPRM

Agency Contact: Michele Farquhar, Federal Communications Commission, 202 632-7792

RIN: 3060–AD78

3832. SATELLITE TELEVISION STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.3555

Legal Deadline: None

Abstract: Report and Order to establish policy with respect to television satellite stations.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mmb-421 NPRM

Agency Contact: Diane Hofbauer, Federal Communications Commission, 202 632-7792

RIN: 3060–AD79

3833. AM EXPANDED BAND: DOMESTIC

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: Inquiry into domestic issues resulting from expansion of the Am broadcasting band.

Timetable:

Action	Date	FR Cite
FNOI	02/25/88	
FNPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Diane Hofbauer, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060–AD92

3834. WIRELESS CAMERAS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.602; 47 CFR 74.604; 47 CFR 74.636; 47 CFR 74.637; 47 CFR 74.802

Legal Deadline: None

Abstract: Proposal to permit low power wireless cameras to operate on vacant UHF and VHF TV channels.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	
NPRM Comment Period End	05/04/87	
FNPRM	05/04/87	
R&O	10/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: MM-85-36(a)

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-9660

RIN: 3060–AE10

3835. FM TRANSLATORS: MOODY BIBLE

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.501; 47 CFR 74.531; 47 CFR 74.532; 47 CFR 74.1231

Legal Deadline: None

Abstract: This proceeding addresses the possible use of satellite and microwave facilities to deliver signals to noncommercial FM translators that are owned and operated by parties other than their primary station.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	
R&O	12/31/88	
2nd R&O	12/00/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: mmb-311 RM-5219

Agency Contact: Tatsu Kondo, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-6302

RIN: 3060–AE11

3836. FM/TV DIRECTIONAL ANTENNA

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.315; 47 CFR 73.316

Legal Deadline: None

Abstract: The Commission will address concerns expressed in six petitions for reconsideration. Four petitions request minor changes in the technical rules adopted in this proceeding. Two others completely oppose the new rules.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	
R&O	12/12/88	
MO&O	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-9660

RIN: 3060–AE12

3837. CHANNELS 14/69 INTERFERENCE: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 304

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: In the Report and Order the Commission will consider spacing criteria for TV applicants for channel 14 or 69 in order to protect adjacent band land mobile operations. The Further Notice would propose rules to permit flexible use of channels 14 and 69.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	
NPRM Comment Period End	10/20/87	
NOI/NPRM	10/20/87	
FNPRM/R&O	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: David Siddal, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060–AE13

3838. FM TRANSLATORS: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.1202; 47 CFR 74.1203; 47 CFR 74.1231; 47 CFR 74.1232; 47 CFR 74.1235

Legal Deadline: None

Abstract: The NOI in this proceeding initiated a study of the role of FM translators in the radio broadcast service. The objective of this proceeding is to examine and, where necessary or appropriate, to revise FCC policy regarding the authorization and operation of FM translators consistent with the Commission's overall allocations plan. In this NPRM, the

Commission will consider modification of the FM translator rules.

Timetable:

Action	Date	FR Cite
NOI	03/24/88	
NPRM/MO&O	10/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AE23

3839. ADVANCED TELEVISION SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r)

CFR Citation: 47 CFR 73.610; 47 CFR 73.682; 47 CFR 73.687

Legal Deadline: None

Abstract: FCC will consider whether it should make final the six tentative findings of the 1st FNOI and its decision to mandate a single transmission standard. FCC will also seek comment on the advantages and disadvantages of: protecting existing LPTV/TV translator spectrum allocated for educational TV expansion; reserving spectrum for future advances in ATV if an EDTV system is ultimately selected; setting ATV receiver standards; and restricting eligibility for supplemental ATV spectrum.

Timetable:

Action	Date	FR Cite
Tentative Decision/FNOI	09/01/88	
Policy Statement/2nd FNOI	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: RM-5811 NOI

Agency Contact: David R. Siddall, Federal Communications Commission, 202 632-7792

RIN: 3060–AE24

3840. FM CLASS C3 AND CLASS A FM UPGRADE PETITIONS

Significance: Agency Priority

Legal Authority: 47 USC 303(e); 47 USC 303(f)

CFR Citation: 47 CFR 73.207; 47 CFR 73.210; 47 CFR 73.211; 47 CFR 73.506; 47 CFR 73.1690

Legal Deadline: None

Abstract: FCC will consider elimination of zone distinctions between classes FM station nationwide, thereby providing additional opportunities for incremental upgrades. Class B and B1 station antenna height would be increased. Class A maximum power would be 6kW. Proceeding would restore engineering integrity to the allotment/assignment standards.

Timetable:

Action	Date	FR Cite
NPRM	06/20/88	
NPRM Comment Period End	06/20/88	
R&O	03/30/89	
FNPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jay Jackson, Federal Communications Commission, 202 632-9660

RIN: 3060–AE30

3841. NON-STOCK ENTITIES

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider a Notice of Inquiry concerning Commission treatment of corporations and other organizational structures that are not traditional commercial corporations.

Timetable:

Action	Date	FR Cite
NOI	03/16/89	
NPRM	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Marilyn Mohrman-Gillis, Federal Communications Commission, 202 632-7792

RIN: 3060–AE31

3842. CABLE SYSTEM DEFINITION

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 522(a); 47 USC 522(b)

CFR Citation: 47 CFR 76.5

Legal Deadline: None

Abstract: The Commission will consider a Report and Order determining whether to change its definition of a CATV system.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	
R&O	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Barrett Brick, Federal Communications Commission, 202 254-3407

RIN: 3060–AE34

3843. AM: ENHANCED NIGHTTIME OPERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.21

Legal Deadline: None

Abstract: Proposal to permit Class II and III stations to enhance nighttime operations by establishing a separate nighttime antenna system at a daytime site or at a new site without having to comply with city-coverage or minimum operating hour requirements imposed on primary service stations.

Timetable:

Action	Date	FR Cite
NPRM	10/13/88	
NPRM Comment Period End	10/13/88	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

FCC—MMB **Proposed Rule Stage**

Agency Contact: Diane Hofbauer, Federal Communications Commission, 202 254-3394

RIN: 3060–AE35

3844. INTERFERENCE REDUCTION AGREEMENTS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider whether it should adopt rules to permit AM licensees to reduce current levels of interference through private negotiated agreements.

Timetable:

Action	Date	FR Cite
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Diane Hofbauer, Federal Communications Commission, 202 254-3394

RIN: 3060–AE51

3845. COMPARATIVE NEW CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r); 47 USC 309(i)

CFR Citation: 47 CFR 73.3584; 47 CFR 1.1601

Legal Deadline: None

Abstract: The Commission has proposed implementing a random lottery procedure (random selection) for new AM, FM and television stations in lieu of the present comparative hearing process.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	
NPRM Comment Period End	01/30/89	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AE52

3846. SYNDEX FOR TVROS

Significance: Agency Priority

Legal Authority: 47 USC 712

CFR Citation: None

Legal Deadline: None

Abstract: The Commission will consider the feasibility of imposing syndicated programming exclusivity rules for satellite carriage of broadcast signals and to adopt such rules if feasible.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	
NPRM Comment Period End	05/30/89	
R&O	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Horowitz, Federal Communications Commission, 202 632-7792

RIN: 3060–AE53

FEDERAL COMMUNICATIONS COMMISSION (FCC)

MASS MEDIA BUREAU **Final Rule Stage**

3847. COMPARATIVE RENEWAL

Significance: Agency Priority

Legal Authority: 47 USC 311(d); 47 USC 309(e)

CFR Citation: 47 CFR 73.3525; 47 CFR 73.3584

Legal Deadline: None

Abstract: FNOI/FNPRM seeking comment on a content-independent standard for renewal expectancy and other comparative criteria for use in comparative hearings for license renewal.

Timetable:

Action	Date	FR Cite
FNOI	06/23/88	
Policy Statement	03/30/89	
FNOI/FNPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: M. Mohrman-Gillis, Federal Communications Commission, 202 632-7792

RIN: 3060–AE27

3848. AM: SKYWAVE PROPAGATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.190

Legal Deadline: None

Abstract: The Commission will consider the skywave propagation model proposed in the NPRM.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry Olson, Federal Communications Commission, 202 254-3394

RIN: 3060–AE28

3849. AM: GROUND PROPAGATION: FNOI/FNPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.183; 47 CFR 73.184

Legal Deadline: None

Abstract: The Commission will consider proposals to refine its rules for calculating groundwave field strength contours.

FCC—MMB

Final Rule Stage

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	
R&O	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry Olson, Federal Communications Commission, 202 254-3394

RIN: 3060–AE29

FEDERAL COMMUNICATIONS COMMISSION (FCC)
MASS MEDIA BUREAU

Completed Actions

3850. SECTION 73.37(E): PETITION FOR RECONSIDERATION

CFR Citation: 47 CFR 73.37(e)

Completed:

Reason	Date	FR Cite
Final Action	05/31/89	
Final Action Effective	05/31/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: L. Stevens 202 632-7792

RIN: 3060–AD63

3851. TV NETWORKS RULES: TWO-YEAR RULE

Significance: Agency Priority

CFR Citation: 47 CFR 73.658(c)

Completed:

Reason	Date	FR Cite
Final Action	03/16/89	54 FR 14960
Final Action Effective	03/16/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Eugenia Hull 202 632-7792

RIN: 3060–AE32

FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU

Proposed Rule Stage

3852. SUBPART M&S RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC amended its rules applicable to communications entrepreneurs who operate SMR stations. Loading standards, waiting list procedures and eligibility requirements were affected.

Timetable:

Action	Date	FR Cite
NPRM	10/16/86	51 FR 45025
R&O	02/15/88	53 FR 12154
MO&O	12/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Irene Bleiweiss, Federal Communications Commission, 202 634-2443

RIN: 3060–AE42

3853. NATIONAL PUBLIC SAFETY PLANS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC amended its rules to meet the telecommunications requirements of state and local public safety authorities. As regional plans are filed, the Bureau, in conjunction with OET, will make them available for public comment.

Timetable:

Action	Date	FR Cite
Other Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Marty Liebman, Federal Communications Commission, 202 632-6497

RIN: 3060–AE43

3854. WIRELINE COMMON CARRIERS-OPERATION OF SMRS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC has proposed amending Subpart S of Part 90 to permit wireline common carriers to be eligible to apply for a license in the SMRS.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM Comment Period End	01/22/86	
FNPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Guy Ludington, Federal Communications Commission, 202 634-2443

RIN: 3060–AE46

3855. TRUNKING OF CONVENTIONAL CHANNELS (800 MHZ & ABOVE)

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC has proposed to amend the rules to increase the number of frequencies available for trunked technology.

FCC—PRB

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NOI	06/10/87	52 FR 25265
NPRM	12/12/88	54 FR 1967
R&O	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Mike Lewis, Federal Communications Commission, **202 634-2443**

RIN: 3060–AE47

3856. SPECIAL EMERGENCY RADIO PRIVATE CARRIERS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.35

Legal Deadline: None

Abstract: The FCC adopted a proposal allowing private carriers to be licensed in the Special Emergency Radio Service. Petitions have been filed to reconsider private carrier aspect and modify MED channel restriction.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 35281
NPRM Comment Period End	09/18/87	
R&O	05/18/88	53 FR 25607
MO&O	09/30/89	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Irene Bleiweiss, Federal Communications Commission, **202 634-2443**

RIN: 3060–AE49

3857. ● HARRIS PETITION-2.5 CHANNELIZATION PLAN

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 94

Legal Deadline: None

Abstract: The FCC proposes rechannelization of the 2450-2483.5 MHz band based on narrow channels with the option to combine or "stack" adjacent channels to achieve greater bandwidths.

Timetable:

Action	Date	FR Cite
NPRM	05/10/89	54 FR 24006
NPRM Comment Period End	06/05/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Mike Lewis, Federal Communications Commission, **202 634-2443**

RIN: 3060–AE58

3858. ● PR DOCKET 89-45, PRIVATE CARRIER ELIGIBILITY-EXPANSION OF ELIGIBILITY TO PERMIT LICENSING OF PRIVATE CARRIERS BELOW 800MHZ

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Expansion of eligibility to permit licensing of private carriers in any service below 800 MHz.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 14109
NPRM Comment Period End	04/07/89	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: Irene Bleweiss, Federal Communications Commission, **202 634-2443**

RIN: 3060–AE59

3859. ● FREQUENCY COORDINATION-ALTERNATIVES AND OPTIONS TO THE PRESENT FREQUENCY COORDINATION SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 154i

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: Proposals or options to change present frequency coordination system.

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	
R&O	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Nayreeb Cesaitis, Federal Communications Commission, **202 632-6497**

RIN: 3060–AE60

FEDERAL COMMUNICATIONS COMMISSION (FCC)
PRIVATE RADIO BUREAU

Completed Actions

3860. WIRELINE COMMON CARRIERS - OPERATION OF SMRS

CFR Citation: 47 CFR 90.603

Completed:

Reason	Date	FR Cite
Withdrawn - duplicate item	08/21/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gay Ludington 202 634-2443

RIN: 3060–AD54

3861. MULTIPLE ADDRESS SYSTEMS

Significance: Agency Priority

CFR Citation: 47 CFR 94

Completed:

Reason	Date	FR Cite
Final Action	03/01/89	54 FR 19575
Final Action Effective	05/08/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Roz Allen 202 634-2443

RIN: 3060–AE09

3862. AMEND PART 80 TO PRECLUDE ACCIDENTAL OR INTENTIONAL OFF-FREQUENCY OPERATION OF EXTERNALLY CONTROLLED SYNTHESIZED RADIO TRANSMITTERS

Significance: Agency Priority

CFR Citation: 46 CFR 80

Completed:

Reason	Date	FR Cite
Withdrawn - duplicate item	08/21/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: W. Berges 202 632-7175

RIN: 3060–AE41

3863. SECONDARY FIXED TONE SIGNALLING

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action	06/15/89	54 FR 28678
Final Action Effective	07/07/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Eugene Thomson 202 634-2443

RIN: 3060–AE44

3864. CONDITIONAL LICENSING

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action	09/30/89	
Final Action Effective	09/30/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Jerry Feldman 202 632-7125

RIN: 3060–AE45

3865. AMEND PART 80 TO PRECLUDE ACCIDENTAL OR INTENTIONAL OFF-FREQUENCY OPERATION OF EXTERNALLY CONTROLLED SYNTHESIZED RADIO TRANSMITTERS

Significance: Agency Priority

CFR Citation: 47 CFR 80

Completed:

Reason	Date	FR Cite
Final Action	07/13/89	54 FR 31839
Final Action Effective	07/13/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: W. Berges 202 632-7175

RIN: 3060–AE48

[FR Doc. 89-21753 Filed 10-27-89; 8:45 am]

BILLING CODE 6712-01-T

federal register

Monday
October 30, 1989

Part XLIX

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the October 1989 regulatory agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled, "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), which was enacted on August 9, 1989, contains reforms that significantly restructure Federal deposit insurance and the regulation of financial institutions. As a consequence, the FDIC expects, in the coming months, to propose and adopt a number of regulations, as required by FIRREA. Among them are regulatory actions pertaining to insurance fund assessment procedures and the requirements for notifying the public of deposit insurance coverage, which are included in this agenda.[1]

Interested persons may petition the FDIC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: August 25, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3866	12 CFR 309 Disclosure of Information	3064-AA65
3867	12 CFR 311 Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3868	12 CFR 330 Clarification and Definition of Deposit Insurance Coverage	3064-AA68
3869	12 CFR 304 Prior Notice by Insured Banks of Intent To Directly or Indirectly Engage in a New Banking Activity and of Intent To Acquire or Establish a Subsidiary	3064-AA29
3870	12 CFR 356 Insider Transactions - Conflicts of Interest	3064-AA94
3871	12 CFR 328 Advertisement of Membership	3064-AA95

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3872	12 CFR 355 Salary Offset	3064-AA93
3873	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30
3874	12 CFR 304 Prior Notice of Rapid Growth in Insured Banks	3064-AA88

[1] The regulatory agenda of the former Federal Home Loan Bank Board appears in Part II of this issue of the Federal Register. Beginning with the April 1990 edition of the Unified Agenda, FHLBB items will be reported in the agenda of the Federal Deposit Insurance Corporation or the agendas of the other agencies to which authority for the items has been transferred by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

FDIC

Final Rule Stage

Sequence Number	Title		Regulation Identifier Number
3875	12 CFR 335	Securities of Insured Nonmember Banks	3064-AA45
3876	12 CFR 303	Delegations of Authority to Act on Applications	3064-AA84
3877	12 CFR 330	Insurance Coverage; Unit Investment Trust	3064-AA73
3878	12 CFR 354	Deposit Liabilities	3064-AA92

Completed Actions

Sequence Number	Title		Regulation Identifier Number
3879	12 CFR 310	Privacy Act Regulations	3064-AA91
3880	12 CFR 327	Assessments	3064-AA96
3881	12 CFR 328	Advertisement of Membership	3064-AA95
3882	12 CFR 346	Foreign Banks; Delegations of Authority	3064-AA78

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

3866. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Legal Deadline: None

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Dudine, Chief, Special Activities Section, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6750**

RIN: 3064–AA65

3867. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Legal Deadline: None

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3813**

RIN: 3064–AA66

3868. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. William Via, Jr., Counsel, Legal Division, Federal

FDIC — Prerule Stage

Deposit Insurance Corporation, Washington, DC 20429, 202 898-3733

RIN: 3064–AA68

3869. PRIOR NOTICE BY INSURED BANKS OF INTENT TO DIRECTLY OR INDIRECTLY ENGAGE IN A NEW BANKING ACTIVITY AND OF INTENT TO ACQUIRE OR ESTABLISH A SUBSIDIARY

Legal Authority: 12 USC 1816; 12 USC 1817; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1820; 12 USC 1821(f)

CFR Citation: 12 CFR 304; 12 CFR 332

Legal Deadline: None

Abstract: The FDIC is considering amending its regulations to require any insured State nonmember bank to provide 30-day prior written notice to the regional director of the FDIC region in which the bank is located of the bank's intent to engage in a new banking activity and of its intent to acquire or establish a subsidiary. The planned rule also would require notice to the regional director of the FDIC region in which the bank is located not more than 10 days after the activity is started or the subsidiary is established or acquired.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel M. Gautsch, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6912

RIN: 3064–AA29

3870. ● INSIDER TRANSACTIONS - CONFLICTS OF INTEREST

Legal Authority: 12 USC 1818; 12 USC 1819; 12 USC 1820; 12 USC 1821(f)

CFR Citation: 12 CFR 356

Legal Deadline: None

Abstract: The FDIC staff is considering whether to recommend to the Board of Directors that it amend its regulations to require any state-chartered nonmember bank and FDIC-insured foreign branch to adopt written guidelines governing all insider transactions beyond loans. Staff expects to recommend that the planned rule would require that no covered institution may enter into a business transaction with an insider (as defined) unless: (i) it is made on substantially the same terms as those prevailing at the time for comparable transactions, (ii) the board of directors or trustees states in writing that the business transaction is for the benefit of the bank and is not merely an accommodation to a bank insider, and (iii) the transaction does not present unfavorable features which may be detrimental to the bank's interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel M. Gautsch, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington DC 20429, 202 898-6912

RIN: 3064–AA94

3871. ● ADVERTISEMENT OF MEMBERSHIP

Legal Authority: 12 USC 1819; 12 USC 1828(a); PL 101-73, Sec 221

CFR Citation: 12 CFR 328

Legal Deadline: None

Abstract: The FDIC has issued a final rule amending its regulation regarding advertisement of membership in order to comply with the requirements of section 221 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") (see 54 FR 33669, August 16, 1989). Because the FDIC acted under a statutory deadline, the final rule established only those requirements that were considered to be the minimum necessary to comply with FIRREA. The FDIC is now considering additional amendments to the regulation.

Timetable:

Action	Date	FR Cite
ANPRM	08/16/89	54 FR 33716
ANPRM Comment Period End	10/16/89	
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Valerie J. Best, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3812

RIN: 3064–AA95

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Proposed Rule Stage

3872. SALARY OFFSET

Legal Authority: 5 USC 5514; 12 USC 1819

CFR Citation: 12 CFR 355

Legal Deadline: None

Abstract: The FDIC is planning to propose new regulations to implement salary offset procedures required by 5 USC 5514 and 5 CFR 550, Subpart K. The proposal would set out procedures to be used by the FDIC to offset the salary of any FDIC employee who is indebted to the United States and refuses to pay voluntarily. The proposal would also enumerate procedures through which the FDIC may request another agency to offset the salary of one of its employees to satisfy a debt that employee may owe the FDIC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Catherine N. Lundblad, Personnel Management Specialist, Office of Personnel Management, Federal Deposit Insurance

FDIC — Proposed Rule Stage

Corporation, Washington, DC 20429, **202 898-8857**

RIN: 3064–AA93

3873. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None

Abstract: The FDIC expects to propose an amendment to 12 CFR Part 344, which governs an insured nonmember bank's recordkeeping and confirmation requirements for securities transactions. The proposed amendment would expand an existing exception under Part 344 for low activity. The exception would be increased to allow banks which effect an average of fewer than 1,000 securities transactions per year to be exempt from certain recordkeeping and written policymaking requirements. The current "low-activity" threshold is 200 transactions per year. The amendment is needed to eliminate unnecessary paperwork burden and is intended to reduce the impact of FDIC's regulation on insured nonmember banks that engage in a low number of securities transactions per year.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Harvey, Review Examiner (Trust Specialist), Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6762**

RIN: 3064–AA30

3874. PRIOR NOTICE OF RAPID GROWTH IN INSURED BANKS

Legal Authority: 5 USC 552; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820

CFR Citation: 12 CFR 304

Legal Deadline: None

Abstract: The FDIC plans to substitute for its current regulation on reporting fully insured brokered deposits and fully insured deposits placed directly by other depository institutions (12 CFR 304.6) a new requirement calling for the reporting of planned rapid growth by certain limited means such as the solicitation and acceptance of brokered deposits, out-of-territory deposits and borrowings. The report would describe the volume, sources and anticipated uses of the funds to be borrowed.

Timetable:

Action	Date	FR Cite
NPRM	04/05/89	54 FR 13693
NPRM Comment Period End	06/05/89	
NPRM - Revised	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Hrindac, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6892**

RIN: 3064–AA88

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Final Rule Stage

3875. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The FDIC has proposed such conforming amendments for public comment based on recent rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	07/25/89	54 FR 30976
NPRM Comment Period End	09/25/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence H. Pierce, Securities Activities Officer, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-8902**

RIN: 3064–AA45

3876. DELEGATIONS OF AUTHORITY TO ACT ON APPLICATIONS

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC is preparing final amendments to Part 303 of its rules and regulations to clarify and, in some cases, to modify the delegations of authority for acting on a variety of applications (e.g., mergers, branches, relocations, deposit insurance, trust and banking powers, change in control, and management interlocks). The amendments do not alter any rights or obligations of any person, bank, or other applicant.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy L. Alper, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3720**

RIN: 3064–AA84

3877. INSURANCE COVERAGE; UNIT INVESTMENT TRUST

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: The FDIC proposed amending Part 330 of its rules and regulations. Under the proposed rule, unit investment trusts would no longer be treated as corporations for purposes of

FDIC **Final Rule Stage**

insurance coverage limits where deposits in any one insured bank are insured to the maximum of $100,000. Instead, the proposal, if adopted, would result in deposit insurance up to $100,000 as to each beneficial owner of the trust's deposits.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39746
NPRM Comment Period End	12/12/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Douglas Birdzell, Special Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3716**

RIN: 3064–AA73

3878. DEPOSIT LIABILITIES

Legal Authority: 12 USC 1813; 12 USC 1819

CFR Citation: 12 CFR 354

Legal Deadline: None

Abstract: The FDIC issued for public comment a proposed regulation expanding the definition of the term "deposit." The proposed rule would find that a bank's liability on a promissory note, bond, acknowledgement of advance, or similar obligation that is issued or undertaken by the insured bank as a means of obtaining funds is a deposit liability.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47723
NPRM Comment Period End	01/24/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katharine H. Haygood, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 **898-3732**

RIN: 3064–AA92

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

3879. ● PRIVACY ACT REGULATIONS

Legal Authority: 5 USC 552a

CFR Citation: 12 CFR 310

Legal Deadline: None

Abstract: The FDIC has exempted from certain provisions of its regulations implementing the Privacy Act of 1974 its proposed new Investigative Files and Records system. This new system of records will contain files on employees of the FDIC or other persons involved in the FDIC's programs or operations who are or have been under investigation by the FDIC's Office of Inspector General where fraud or abuse has been suspected.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	54 FR 25126
NPRM Comment Period End	08/14/89	
Final Action	09/19/89	54 FR 38507
Final Action Effective	10/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Feldman, Deputy Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3811**

RIN: 3064–AA91

3880. ● ASSESSMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1817 to 1819

CFR Citation: 12 CFR 327

Legal Deadline: None

Abstract: The FDIC is amending Part 327 of its regulations, entitled "Assessments," in response to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The final rule establishes interim assessment procedures for savings associations. The final rule also provides a mechanism for funding the Financing Corporation and the Resolution Funding Corporation through the end of 1989.

The FDIC will consider any public comments received by November 13, 1989, in order to determine whether this final rule should be revised.

Timetable:

Action	Date	FR Cite
Final Action	09/14/89	54 FR 37935
Final Action Effective	09/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jules Bernard, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3731**

RIN: 3064–AA96

3881. ● ADVERTISEMENT OF MEMBERSHIP

Significance: Agency Priority

Legal Authority: 12 USC 1819; 12 USC 1828(a); PL 101-73, Sec 221

CFR Citation: 12 CFR 328

Legal Deadline: Final, Statutory, August 9, 1989.

Abstract: The FDIC is amending its regulation prescribing the requirements with regard to the official sign insured financial institutions must display notifying the public of deposit insurance coverage. This action is necessary in order to comply with the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). This rule is intended to assure that insured financial institutions comply with the requirements of FIRREA.

Because the FDIC is acting under a statutory deadline, this final rule establishes only those requirements that are considered to be the minimum necessary to comply with FIRREA. Consequently, additional changes to the FDIC's regulation governing advertisement of membership are being considered, and comments are invited through a separately published

"Advance Notice of Proposed Rulemaking" (see 54 FR 33716, August 16, 1989).

Timetable:

Action	Date	FR Cite
Final Action	08/16/89	54 FR 33669
Final Action Effective	08/16/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Valerie J. Best, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-3812**

RIN: 3064–AA95

3882. FOREIGN BANKS; DELEGATIONS OF AUTHORITY

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 12 USC 1828; 12 USC 1829; 12 USC 3103; 12 USC 3104; 12 USC 3108; 15 USC 1607

CFR Citation: 12 CFR 346; 12 CFR 303

Legal Deadline: None

Abstract: The FDIC has adopted changes to its regulations pertaining to insured branches of foreign banks. Substantial changes were made to the current provisions relating to exemptions from the deposit insurance requirement, the capital equivalency requirement, and the country exposure provision. Changes were also made to the pledge of assets requirement and to the delegations of authority concerning it (12 CFR Part 303.8), as well as to miscellaneous provisions throughout the regulation.

On June 28, 1989 (54 FR 27154), the FDIC published an addendum to the final regulation regarding exemptions from deposit insurance for branches of foreign banks. According to the addendum, the exemption for initial deposits of less than $100,000 by depositors who are neither citizens nor residents of the U.S. at the time of the initial deposit will be included in the final regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41180
NPRM Comment Period End	12/19/88	
Final Action	04/07/89	54 FR 14064
ADDENDUM to Final Regulation regarding Exemptions from Deposit Insurance	06/28/89	54 FR 27154
Final Action Effective	07/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles V. Collier, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, **202 898-6850**

RIN: 3064–AA78

[FR Doc. 89-21754 Filed 10-27-89; 8:45 am]

BILLING CODE 6714-01-T

federal register

Monday
October 30, 1989

Part L

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 89-12, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 16 rulemakings listed, 14 are current and projected rulemakings and 2 are completed actions.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See the various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Lois D. Cashell,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Prerule Stage

3883. REGULATIONS GOVERNING SUBMITTAL OF PROPOSED HYDROPOWER LICENSE CONDITIONS, AND OTHER MATTERS

Significance: Agency Priority

Legal Authority: 16 USC 792a et seq. (1982 and Supp. 1987) Federal Power Act; 16 USC 661 et seq. (1982) Fish and Wildlife Coordination Act; 42 USC 4321 et seq (1982) National Environmental Policy Act

CFR Citation: 18 CFR 1

Legal Deadline: None

Abstract: This rulemaking will propose improvements in the coordination between the Commission and Federal and State fish and wildlife agencies concerning appropriate conditions and other measures to be taken in proceedings on the granting of licenses to applicants for hydroelectric facilities subject to the Commission's jurisdiction. Docket No. RM89-7-000.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202 357-5597

RIN: 1902–AB12

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

3884. FEES FOR HYDROPOWER PROJECTS

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Legal Deadline: None

Abstract: The rulemaking would establish a fee for services performed by the Commission under the Federal Power Act for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: No action expected in the next 12 months.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA48

3885. STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: EO 11222

CFR Citation: 18 CFR 3c

Legal Deadline: None

Abstract: This rulemaking proceeding would update and revise the Commission's Standards of Conduct for employees and Commissioners. Docket No. RM88-8-000.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB01

3886. OPTIONAL CERTIFICATES FOR CONSTRUCTION RELATED TO TRANSPORTATION

Significance: Agency Priority

Legal Authority: 15 USC 717f

CFR Citation: 18 CFR 157

FERC

Proposed Rule Stage

Legal Deadline: None

Abstract: The rulemaking will consider revision of the Commission's regulations, codified at 18 C.F.R. Part 157, Subpart E, governing optional procedures to obtain a certificate for transportation and sale of natural gas facilities under Section 7 of the Natural Gas Act. Docket No. RM88-11-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB03

3887. 5-YEAR TAKE-OR-PAY MAKE-UP PROVISIONS IN NATURAL GAS PRODUCER-PIPELINE CONTRACTS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009 (1978) 3 CFR Part 142; 31 USC 9701 (1970) Independent Offices Approp. Act

CFR Citation: 18 CFR 154

Legal Deadline: None

Abstract: This notice of proposed rulemaking eliminates the requirement in the Commission's regulations that a gas purchase contract between an independent natural gas producer and an interstate natural gas pipeline must allow the pipeline a minimum 5-year make-up period in which to take gas for which payment has already been made. The Commission believes that this requirement, established in 1967, may no longer be necessary in light of current efforts by pipelines and producers to resolve take-or-pay issues and to enter into market-responsive contracts for future gas supplies. Docket No. RM88-20-000.(See Docket No. RM89-2-000).

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 27704
NPRM Comment Period End	08/15/88	53 FR 27704

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB08

3888. BLANKET SALES CERTIFICATES FOR FIRST SELLERS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982); EO 12009 3 CFR 1978 Comp., p. 142; 15 USC 3301 to 3432 (1982); 42 USC 7101 to 7352 (1982)

CFR Citation: 18 CFR 270; 18 CFR 271

Legal Deadline: None

Abstract: The proposed rule would grant blanket sales authority to first sellers of natural gas (except gas marketers) to make sales for resale in interstate commerce. Marketers would be required to apply individually for this authorization. The rule would eliminate virtually all of the certificate and filing requirements presently applicable to these sales. (This NOPR would consolidate Docket No. RM88-20-000 into this rule.) Docket No. RM89-2-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, **202 357-5597**

RIN: 1902–AB11

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Final Rule Stage

3889. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Legal Authority: 16 USC 791a to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: The proposed rule would provide that the cash working capital requirements of a public utility that files an electric rate schedule will be presumed to be zero dollars, and thus will not affect the utility's rate base, unless the utility shows there is a significant difference between the time it pays certain current operating expenses and the time it receives revenues from ratepayers. The proposed rule would establish a threshold standard that must be met to support a cash working capital adjustment to a utility's rate base, the expense elements to be considered in calculating cash working capital adjustments to rate base, and criteria applicable to studies submitted in support of a request for an adjustment to rate base. Docket No. RM84-9-000.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	06/04/84	49 FR 14384
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AA33

3890. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352 (1982); EO 12009 3 CFR 1978 Comp., p.142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791 to 828c

FERC

Final Rule Stage

(1982); 15 USC 3301 to 3402 (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 2; 18 CFR 284.10; 18 CFR 284.8; 18 CFR 284.9; 18 CFR 2.104; 18 CFR 2.105

Legal Deadline: None

Abstract: Order No. 500 is an interim rule that readopted the regulations promulgated in Order No. 436 with one addition and one deletion. Order No. 500 added a requirement that producers submit an offer of take-or-pay credits to an open access pipeline in order to make the pipeline's gas eligible for transportation (unless the pipeline and producer agree to a different arrangement); it deleted the customers' contract demand reduction option. Order No. 500 also adopted a policy on passthrough mechanisms for take-or-pay buyout and buydown costs and on gas inventory charges. Order Nos. 500-A, 500-B, 500-C and 500-D made changes to the crediting provisions and extended certain deadlines. Rehearing of the Order No. 500 interim rule was denied in Order No. 500-E. Docket No. RM87-34-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/87	52 FR 30334
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: See Order Explaining Crediting (Oct. 16, 1987) and Order Nos. 500-A, 500-B, 500-C, 500-D and 500-E for more details.

Agency Contact: Andrea Wolfman, Assistant General Counsel, for Pipeline Rates and Valuation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8448**

RIN: 1902–AA97

3891. REGULATIONS GOVERNING BIDDING PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982); EO 12009 3 CFR 142 (1978); 31 USC 9701 (1982); 16 USC 7919 to 8252 (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 35; 18 CFR 293

Legal Deadline: None

Abstract: The Commission proposed to adopt regulations authorizing state regulatory authorities and nonregulated electric utilities to implement bidding procedures as a means of establishing rates for power purchases from qualifying facilities (QFs) under section 210 of PURPA. Docket No. RM88-5-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9323
NPRM Comment Period End	06/14/88	53 FR 9323
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AA98

3892. REGULATIONS GOVERNING INDEPENDENT POWER PRODUCERS

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 3401; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791a to 828c (1982); 15 USC 3301 to 3432 (1982); 16 USC 2601 to 2645 (1982); 49 USC 1 to 27 (1976)

CFR Citation: 18 CFR 38; 18 CFR 382

Legal Deadline: None

Abstract: The Commission proposed to streamline regulation of a class of non-traditional utility suppliers, called independent power producers (IPPS). The proposed regulations would: (1) authorize rates for IPPS to be determined through competition or rate negotiation subject to a price cap, thereby freeing IPPS from cost-based ratemaking while ensuring that rates fall within a zone of reasonableness; (2) authorize IPPs to file rate schedules without having to provide extensive cost support; (3) exempt IPPS from cost-related accounting, reporting and recordkeeping requirements; (4) streamline the corporate and financial regulation of IPPS; (5) provide the blanket prior authorizations to engage in certain corporate activities; and (6) adopt and advance certification procedures to qualify as an IPP. Docket No. RM88-4-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9327
NPRM Comment Period End	06/16/88	53 FR 9327
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AA99

3893. ADMINISTRATIVE DETERMINATION OF FULL AVOIDED COSTS, SALES OF POWER TO QUALIFYING FACILITIES AND INTERCONNECTION FACILITIES

Significance: Agency Priority

Legal Authority: PL 99-495; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 31 USC 9701 (1982); 16 USC 791a to 825r (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: The Commission is proposing to amend its regulations governing purchases and sales of electricity between electric utilities and qualifying cogeneration facilities and qualifying small power production facilities (QFs). Docket No. RM 88-6-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9331
NPRM Comment Period End	06/14/88	53 FR 9331
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB00

3894. BROKERING OF INTERSTATE NATURAL GAS PIPELINE CAPACITY

Significance: Agency Priority

FERC

Final Rule Stage

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act of 1976; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978 Comp., p.142; 4 USC 551 to 557 (1982) Administrative Procedures Act; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 7901 to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Utilities Reg. Pol. Act; 49 USC 1 to 27 (1982) Interstate Commerce Act

CFR Citation: 18 CFR 284; 18 CFR 385

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission proposed to allow holders of firm transportation rights on an interstate natural gas pipeline to sell or assign (broker) those rights. Rights to the pipeline's system storage could also be brokered to the extent that these rights are subject to Secs. 284.8 and 284.9 of the Commission's regulations. Docket No. RM88-13-000

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	53 FR 15061
NPRM Comment Period End	05/19/88	53 FR 15061
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB06

3895. REGULATIONS GOVERNING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978, Comp., p. 142; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 791a to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Util. Regulatory Pol. Act

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission is proposing to amend its regulations governing the implementation of Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA). This rule addresses problems with the criteria and procedures under Section 201 of PURPA by which qualifying small power production and cogeneration facilities can obtain PURPA benefits. Docket No. RM88-17-000.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 31021
NPRM Comment Period End	10/27/88	53 FR 31021
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB07

3896. ● REGULATIONS IMPLEMENTING THE NATURAL GAS WELLHEAD DECONTROL ACT OF 1989

Significance: Agency Priority

Legal Authority: 15 USC 3301 to 3432 Natural Gas Policy Act of 1978

CFR Citation: 18 CFR 272.103

Legal Deadline: None

Abstract: This final rule makes technical amendments to the Commission's regulations to implement the Natural Gas Wellhead Decontrol Act of 1989. Docket No. RM89-16-000.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202 357-8530

RIN: 1902–AB14

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Completed Actions

3897. RELICENSING REGULATIONS UNDER THE FEDERAL POWER ACT

Significance: Agency Priority

CFR Citation: 18 CFR 4; 18 CFR 16

Completed:

Reason	Date	FR Cite
Final Action	05/17/89	54 FR 23756
Final Action Effective	05/17/89	54 FR 23756

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AB02

3898. ESTABLISHMENT OF DEADLINES FOR FIRST SELLERS TO MAKE AND REPORT REFUNDS

Significance: Agency Priority

CFR Citation: 18 CFR 2; 18 CFR 154; 18 CFR 157; 18 CFR 250; 18 CFR 375; 18 CFR 381; 18 CFR 389

Completed:

Reason	Date	FR Cite
Final Action	08/03/89	54 FR 32805
Final Action Effective	08/03/89	54 FR 32805

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler 202 357-5597

RIN: 1902–AB10

[FR Doc. 89-22490 Filed 10-27-89; 8:45 am]

BILLING CODE 6717-01-T

Federal Register

Monday
October 30, 1989

Part LI

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FEDERAL HOME LOAN BANK BOARD (FHLBB)

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 89-2162]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board ("Bank Board") is hereby publishing items for the "October Unified Agenda of Federal Regulations." The agenda items reflect the status of the Bank Board's regulatory projects as of July 31, 1989.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. 101-73, 103 Stat. 183, signed into law on August 9, 1989, reorganizes the regulation of the thrift industry and the functions currently performed by the Bank Board. Under FIRREA, the regulatory responsibilities of the Bank Board were transferred to a new Office of Thrift Supervision ("OTS") in the Department of the Treasury and to the Federal Deposit Insurance Corporation ("FDIC"). Revisions to Bank Board regulations transferred to OTS and FDIC and new regulatory initiatives implementing FIRREA will be published in the **Federal Register** as they are promulgated and will appear in subsequent editions of the Unified Agenda under the appropriate agency.

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: August 2, 1989.
By the Federal Home Loan Bank Board.
John F. Ghizzoni,
Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Proposed Rule Stage

3899. INSURANCE TERMINATION PROVISIONS

Legal Authority: 12 USC 1464; 12 USC 1727; 12 USC 1730

CFR Citation: 12 CFR 565

Legal Deadline: None

Abstract: The Bank Board is reviewing a number of issues relating to the extent to which institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") that terminate their insured status in connection with transfers by operation of law must pay a final insurance premium to the FSLIC. As part of its review, the Bank Board solicited public comment to ascertain whether to issue a proposal in this area. On October 7, 1986, the Bank Board adopted a clarifying amendment to the definition of "transfers" set forth in its statement of policy regarding mergers and transfers of assets. (12 CFR 571.5(a)). However, as the clarification indicates, the interpretation did not specifically address the separate issues of whether an insured institution undertaking a transfer of assets and liabilities by operation of law in which the surviving entity is not FSLIC-insured must pay a final insurance premium to the FSLIC, and if so, the amount of such payment. The Bank Board has been reviewing this so-called "exit premium" issue on an ongoing basis and as yet has made no final determination with respect to this matter. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17408
ANPRM Comment Period End	07/07/87	52 FR 17408

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Since the proposal is only an advance notice of proposed rulemaking, the potential costs and benefits on the industry have not been quantified.

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Div., Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, **202 906-6963**

RIN: 3068–AA28

3900. REQUIRED CAPITAL LEVELS FOR INSURED INSTITUTIONS; REGULATORY INTERVENTION

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724; 12 USC 1725 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract:

In conjunction with its current proposal to amend its regulations to establish minimum capital requirements for FSLIC-insured institutions, the Bank Board is addressing whether the final capital regulation should contain specific language defining a particular level of capital as an "unsafe and unsound condition to transact business" for the purpose of activating the Board's statutory authority to appoint a conservator or receiver for an institution. The Board is considering setting its floor capital requirement at a level of 1.5% of total assets, to be held in the form of core equity capital.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/89	54 FR 826
ANPRM Comment Period End	02/09/89	54 FR 826

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Theresa Stark, Attorney, Regulations and Legislation, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-7054**

RIN: 3068–AA76

3901. MUTUAL SAVINGS AND LOAN HOLDING COMPANIES

Significance: Agency Priority

FHLBB — Proposed Rule Stage

Legal Authority: 12 USC 1437; 12 USC 1725

CFR Citation: 12 CFR 500 et seq.

Legal Deadline: None

Abstract: The Bank Board is reviewing issues to be addressed through the implementation of the mutual holding company provisions of the National Housing Act ("NHA") added by the Competitive Equality Banking Act of 1987 ("CEBA"). The provisions permit any insured institution to reorganize to form a holding company by chartering an interim savings institution whose stock is wholly-owned by the mutual institution and transferring substantially all of the mutual institution's assets and liabilities (including all insured liabilities) to the interim savings institution.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/88	53 FR 41343
ANPRM Comment Period End	12/05/88	53 FR 44436

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeff Miner, Assistant Deputy Director, Corporate and, Securities Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7546

RIN: 3068–AA77

3902. ● BONDS FOR DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS; FORM AND AMOUNT OF BONDS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The Bank Board recently adopted amendments to 12 CFR 563.19 which modified the schedule for calculating the permissible deductible for fidelity bonds. See RIN 3068-AA71. The Bank Board is now seeking comment on whether additional, more substantive revisions to the fidelity bond regulations for all insured institutions are necessary at this time.

Among the revisions under consideration are changes to The American Surety Association Form No. 22 Blanket Bond, and to the amount of the bond required.

Timetable:

Action	Date	FR Cite
ANPRM	06/13/89	54 FR 25127
ANPRM Comment Period End	07/13/89	54 FR 25127

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cindy L. Hausch, Financial Analyst, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, 202 906-7488

RIN: 3068–AA92

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Final Rule Stage

3903. TRANSACTIONS WITH AFFILIATES

Significance: Agency Priority

Legal Authority: 12 USC 1730a; 12 USC 1425a; 12 USC 1462; 12 USC 1724; PL 100-86

CFR Citation: 12 CFR 584.3

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations pertaining to transactions between institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation and affiliates of those institutions. The proposed amendments (1) define and clarify the applicability of the limitations and prohibitions specified in sections 23A and 23B of the Federal Reserve Act and (2) clarify the applicability of the limitations and prohibitions specified in the Board's regulations existing prior to the Competitive Equality Banking Act (CEBA). The proposed amendments are intended to further the Congressional intent codified in CEBA by providing parity between a bank and a thrift holding company with respect to the treatment of transactions between the subsidiary depository institution and its affiliates engaged in activities permissible for a bank holding company under the Bank Holding Company Act and the regulations thereunder.

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21838
NPRM Comment Period End	08/09/88	53 FR 21838
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: the industry have not been quantified.

Agency Contact: Paul Glenn, Staff Attorney, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington DC 20552, 202 906-6203

RIN: 3068–AA65

3904. READMISSION OF FEDERAL HOME LOAN BANK MEMBERS TERMINATING THEIR STATUS AS INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730(i); PL 89-695; 12 USC 1426(i)

CFR Citation: 12 CFR 523

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations governing applications for membership in the Federal Home Loan Bank ("FHLBank") System by institutions that have been

FHLBB

Final Rule Stage

removed from membership under the National Housing Act by virtue of the termination of Federal Savings and Loan Insurance Corporation ("FSLIC") insurance of their accounts. Specifically, the proposal would amend Part 523 of the Board's Rules and Regulations for the Federal Home Loan Bank System, to provide that an FHLBank member that terminates its status as an FSLIC-insured institution and is thereby removed from FHLBank membership (as well as any other member whose membership is terminated pursuant to section 6(i) of the Federal Home Loan Bank Act), may be readmitted as a member only after the expiration of a five year period following its departure from the FHLBank System.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30686
NPRM Comment Period End	10/14/88	53 FR 30686
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, DC 20552, 202 906-6963

RIN: 3068–AA66

3905. ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS

Significance: Agency Priority

Legal Authority: 12 USC 1425b; 12 USC 1426; 12 USC 1427; 12 USC 1437; 12 USC 1464; 12 USC 1725; 12 USC 1726; 12 USC 1730; 18 USC 207; 42 USC 8101 et seq.

CFR Citation: 12 CFR 522

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend its rules governing the Election of Directors of the Federal Home Loan Banks ("Banks") due to its concern about the appearance of conflicts of interest that may exist when officers or directors of institutions that are of regulatory concern are elected to positions as directors of the Banks. The Board feels that it is not be appropriate for persons who have been the subject of regulatory concern to serve on the boards of the Banks as they are an important part of the supervision and regulation of the thrift industry.

Timetable:

Action	Date	FR Cite
ANPRM	11/03/88	53 FR 44437
ANPRM Comment Period End	12/05/88	53 FR 44437
NPRM	04/07/89	54 FR 14085
NPRM Comment Period End	06/06/89	54 FR 14085

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Carey, Director, Bank Liason Division, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6656

RIN: 3068–AA72

3906. REGULATORY CAPITAL REQUIREMENTS FOR INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 561.13; 12 CFR 563.13

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend its regulations concerning capital requirements for FSLIC-insured institutions. The proposal is more risk-based than the Board's current capital regulations, in order to ensure that institutions engaging in higher risk activities are adequately capitalized. The proposal also addresses interest-rate risk and collateralized borrowing.

In connection with the proposal, the Bank Board has proposed for comment a description of proposed methodologies to be used in calculating the interest-rate-risk component of the proposal.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51800
NPRM Comment Period End	03/23/89	53 FR 51800
Advance Supplemental NPRM Interest-Rate-Risk	07/03/89	54 FR 27885

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Fishman, Senior Policy Analyst, Office of, Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, N.W., Washington, D.C. 20006, 202 331-4592

RIN: 3068–AA73

3907. DRUG-FREE WORKPLACE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1437(a)

CFR Citation: 12 CFR 516; 12 CFR 516.305; 12 CFR 516.320

Legal Deadline: Final, Statutory, February 16, 1989.

Abstract: The Bank Board has implemented the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D). The Act requires contractors and grantees of Federal agencies to certify that they will provide drug-free workplaces.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4946

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Caroline Morris, Attorney, Legal Counsel Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6431

RIN: 3068–AA85

3908. ● AGENCY OFFICES

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1464; 12 USC 1725 to 1726; 12 USC 1730

FHLBB

Final Rule Stage

CFR Citation: 12 CFR 545

Legal Deadline: None

Abstract: The Bank Board is proposing to revise its regulations in order to remove the restriction prohibiting Federal institutions from establishing agency offices to originate and service mortgage loans outside of the state where the institution's home office is located or states where any of the institution's branches are located. The Bank Board is also proposing to require written notification of agency openings and closings.

Timetable:

Action	Date	FR Cite
NPRM	07/31/89	54 FR 30555
NPRM Comment Period End	09/13/89	54 FR 30555

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cindy Hausch, Financial Analyst, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, **202 906-7488**

RIN: 3068–AB01

FEDERAL HOME LOAN BANK BOARD (FHLBB)

Completed Actions

3909. INVESTMENT PORTFOLIO POLICY AND ACCOUNTING GUIDELINES

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1464; 12 USC 1725 to 1726; 15 USC 78c

CFR Citation: 12 CFR 571.19; 12 CFR 563c

Legal Deadline: None

Abstract: The Board has amended its regulations governing institutions insured by the Federal Savings and Loan Insurance Corporation by adopting a statement of policy and by amending its rules to clarify that insured institutions must account for securities held for investment sale and/or trading in accordance with generally acceptable accounting procedures ("GAAP"). The policy statement requires an insured institution's board of directors to document and monitor its investment in policy and strategies; discuss the appropriate documentation of investment decisions; summarize GAAP applicable to securities held for investment,sale, and/or trading; and offer guidance on the application of GAAP by insured institutions in determining when securities should be accounted for as a security held for trading. The Board's intent is to provide guidance and clarifications to insured institutions on the accounting for and classification of investment in securities within the confines of existing accounting literature.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23247
NPRM Comment Period End	09/20/88	53 FR 31363
Final Action	06/01/89	54 FR 23457
Final Action Effective	06/01/89	54 FR 23457

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Julie A. Gerschick, Professional Accounting Fellow, Office of Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, N.W., Washington, D.C. 20006, **202 331-4583**

RIN: 3068–AA62

3910. RULES OF PRACTICE AND PROCEDURE

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1464; 12 USC 1730q; 12 USC 1730a; PL 89-695; PL 89-630

CFR Citation: 12 CFR 509; 12 CFR 512

Legal Deadline: None

Abstract: The Bank Board has revised 12 CFR Parts 509 and 512, its regulations governing the rules of practice and procedure in adjudicatory proceedings. The revisions to Part 509 streamline prehearing procedures with a view toward expediting the proceedings, clarifying the authority of the Administrative Law Judges appointed to conduct the proceedings, and adding several new provisions. The revisions to Part 512 are of a clarifying and technical nature and update several provisions of the rules relating to the conduct of investigative and formal examination proceedings.

There are no alternatives that would be less burdensome than the proposed amendments in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulations on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	09/29/88	53 FR 40432
NPRM Comment Period End	12/16/88	53 FR 40432
Final Action Effective	06/14/89	54 FR 26349
Final Action	06/23/89	54 FR 26349

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary A. Gegenheimer, Senior Attorney, Office of Enforcement, Federal Home Loan Bank Board, 1735 Eye Street, N.W., Washington D.C. 20552, **202 906-7110**

RIN: 3068–AA64

3911. BONDS FOR DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS; FORM AND AMOUNT OF BONDS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.19

Legal Deadline: None

Abstract:

The Bank Board has amended 12 CFR 563.19 by deleting the current schedule for calculating the permissible deductible amount for bonds for directors, officers, employees, and agents of FSLIC-insured institutions. A new method for calculating the permissible deductible has been instituted making the maximum permissible deductible the higher of either five percent of tangible capital as defined in 12 CFR 563.9-8(b)(12) or $50,000, with some exceptions.

In addition, the allowance for institutions to increase the permissible deductible to a maximum of three times the permissible amount if losses under the bond exceed 50 percent of the premium has been eliminated as it is unnecessary due to the increase in the permissible deductibles.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45484
NPRM Comment Period End	01/09/89	53 FR 45484
Final Action	06/13/89	54 FR 25098
Final Action Effective	07/13/89	54 FR 25098

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cindy L. Hausch, Financial Analyst, Office of, District Banks, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7488

RIN: 3068–AA71

3912. EQUITY-RISK INVESTMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.9-8

Legal Deadline: None

Abstract: The Bank Board has amended 12 CFR 563.9-8 concerning investments by FSLIC-insured institutions in equity securities, real estate, service corporations, operating subsidiaries, and certain land loans and non-residential construction loans. It has extended the current equity-risk investment regulation until October 13, 1989 to give the Board the opportunity to analyze the results of its recent regulatory capital proposal and the report on equity-risk investment due to Congress on February 10, 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/04/89	54 FR 155
NPRM Comment Period End	02/03/89	54 FR 155
Final Action Effective	04/16/89	54 FR 15400
Final Action	04/18/89	54 FR 15400

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard M. Schwartz, Attorney, Regulations and Legislation, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6897

RIN: 3068–AA74

3913. ISSUANCE AND USE OF SUBORDINATED DEBT SECURITIES

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.8-1

Legal Deadline: None

Abstract: The Bank Board amended 12 CFR 563.8-1, its regulations governing the issuance of subordinated debt securities by insured institutions, to codify certain interpretations of the rule and to incorporate technical revisions to the rule which are necessary due to recently-enacted legislation.

The rule also modifies the bases for supervisory objection to approval of a subordinated debt application by giving the Office of Regulatory Activities ("ORA") the authority to develop guidelines outlining the bases for supervisory objection to the issuance of subordinated debt. The Principal Supervisory Agent ("PSA") is given the authority to approve or deny subordinated debt applications, subject to an appeal process.

The rule also includes a standard set of conditions which would apply to approvals of applications to include subordinated debt in regulatory capital.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1379
NPRM Comment Period End	03/14/89	54 FR 1379
Final Action	08/18/89	54 FR 34148
Final Action Effective	09/18/89	54 FR 34148

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Paul D. Glenn, Attorney, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6203

RIN: 3068–AA76

3914. ACQUISITION OF CONTROL OF INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1730a

CFR Citation: 12 CFR 574.7

Legal Deadline: None

Abstract: The Bank Board has revised its applications processing regulations with regard to the approval of the formation of savings and loan holding companies by insured institutions. The revisions include automatic approval of applications for routine reorganizations involving the formation of savings and loan holding companies, subject to certain requirements. Applications will be automatically approved 30 calendar days after filing if the Board has not notified the applicant in writing that more information is required, that it is materially deficient, or that it is denied.

The rule also provides for an improved approval process for permission to organize an interim federal institution for insurance of accounts, for Federal Home Loan Bank Membership and merger of any interim institution that is part of the reorganization transaction.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4040
NPRM Comment Period End	03/28/89	54 FR 4040
Final Action	08/11/89	54 FR 32959
Final Action Effective	08/11/89	54 FR 32959

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Howard C. Bluver, Attorney, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7504

RIN: 3068–AA79

3915. ACQUISITION OF CONTROL OF INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1730a

CFR Citation: 12 CFR 574.6

Legal Deadline: None

Abstract: The Bank Board has adopted a short-form application for use by insured institutions seeking approval for routine reorganizations involving the formation of savings and loan holding companies. The rule is intended to improve the application process by limiting the required contents of routine reorganization applications to that which is necessary for the FSLIC to make informed decisions.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4043
NPRM Comment Period End	03/28/89	54 FR 4043
Final Action	08/14/89	54 FR 33183
Final Action Effective	08/14/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Howard Bluver, Attorney, Corporate and Securities Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7504

RIN: 3068–AA80

3916. CORPORATE GOVERNANCE, PART I

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 541.0 et seq.; 12 CFR 542.1 et seq.

Legal Deadline: None

Abstract: The Bank Board proposed extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board presented the proposal in parts, issued separately for public comment. The proposed regulations would have reorganized parts of Subchapter C (the regulations for federally chartered associations) and amended and added sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part I would have provided definitions and rules for the organization and incorporation of Federal associations.

The proposed rule would have applied equally to all insured institutions.

The time period for Board action on the proposal expired on July 10, 1989. It is anticipated that the proposal will be formally withdrawn and reproposed at a later date.

Timetable:

Action	Date	FR Cite
NPRM	09/25/85	50 FR 38832
NPRM Comment Period End	02/01/88	52 FR 42116
Period of Consideration Elapsed	07/10/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: V. Gerard Comizio, Director, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6411

RIN: 3068–AA82

3917. CORPORATE GOVERNANCE, PART II

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 543.1 et seq.; 12 CFR 544.1 et seq.

Legal Deadline: None

Abstract: The Bank Board proposed extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board presented the proposal in parts, issued separately for public comment. The proposed regulations would have reorganized parts of Subchapter C (the regulations for federally chartered associations) and amended and added sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part II would have contained provisions regarding the corporate structure and governing processes for Federal stock associations and Federal mutual associations.

The time period for Board consideration of the proposal expired on July 10, 1989. It is anticipated that the proposal will be formally withdrawn and reproposed at a later date.

Timetable:

Action	Date	FR Cite
NPRM	12/24/85	50 FR 52482
NPRM Comment Period End	02/01/88	52 FR 42116
Partial Withdrawal	02/06/89	54 FR 5629
Period of Consideration Elapsed	07/10/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: V. Gerard Comizio, Director, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Stree, N.W., Washington, D.C. 20552, 202 906-6411

RIN: 3068–AA83

3918. RELEASE OF CUSTOMER FINANCIAL RECORDS BY FEDERAL ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1425b; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1726; 12 USC 1728; 12 USC 1730; 12 USC 1730a

CFR Citation: 12 CFR 545.131; 12 CFR 545.132; 12 CFR 545.141; 12 CFR 552.11

Legal Deadline: None

Abstract: The Bank Board has revised its regulations concerning the releases by federally chartered savings and loan associations and savings banks of customer financial records. It generally authorizes a Federal association to disclose the names and addresses of its customers to any party unless the customer objects, but would prohibit the disclosure of confidential information regarding customers' savings or loan accounts subject to specific exceptions. It also modifies the requirement that Federal mutual associations obtain the prior approval of either the Board or a Supervisory Agent before releasing their customer records.

FHLBB

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5629
NPRM Comment Period End	04/07/89	54 FR 5629
Final Action	08/17/89	54 FR 33859
Final Action Effective	12/15/89	54 FR 33859

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey R. Williams, Attorney-Advisor, Regulations and, Legislation Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6559**

RIN: 3068–AA86

3919. CONFORMING AND TECHNICAL AMENDMENTS TO THE CLASSIFICATION OF ASSETS SYSTEM

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1425b; 12 USC 1464; 12 USC 1730a; 12 USC 1462; 12 USC 1724 to 1730; 12 USC 1421 et seq.; 12 USC 1437; 12 USC 1461 et seq.; 12 USC 3806; 15 USC 78c; 12 USC 1730g; 5 USC 552; 5 USC 559; 12 USC 1431

CFR Citation: 12 CFR 545.45; 12 CFR 545.73; 12 CFR 545.74; 12 CFR 545.112; 12 CFR 546.2; 12 CFR 561.17; 12 CFR 563.7-5; 12 CFR 563.8; 12 CFR 563.8-1; 12 CFR 563.8-4; 12 CFR 563.9-7; 12 CFR 563.9-8; 12 CFR 563.17-2; 12 CFR 563.22; 12 CFR 563b.101; ...

Legal Deadline: None

Abstract: The Bank Board has amended its regulations by removing references to scheduled items and specified assets to ensure that they conform with the classification of assets system mandated by the Competitive Equality Banking Act of 1987 (Pub.L. 100-86, 101 Stat. 552).

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6685
NPRM Comment Period End	03/16/89	54 FR 6685
Final Action Effective	08/08/89	54 FR 34143
Final Action	08/18/89	54 FR 34143

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey R. Williams, Attorney-Advisor, Regulations and, Legislation Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6559**

RIN: 3068–AA90

3920. ● ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS

Significance: Agency Priority

Legal Authority: 12 USC 1425b; 12 USC 1426 to 1427; 12 USC 1437; 12 USC 1464; 12 USC 1725 to 1726; 12 USC 1730; 18 USC 207; 42 USC 8101 et seq.

CFR Citation: 12 CFR 522

Legal Deadline: None

Abstract: The Bank Board has adopted a temporary rule to implement the procedures to be used for the election of directors to the boards of the Federal Home Loan Banks during calendar year 1989. As a result of legislation pending in Congress to restructure the regulation of the thrift industry, the election process will be delayed, but will be completed by December 31, 1989, in any case.

Timetable:

Action	Date	FR Cite
Final Action Temporary Rule Expiring 6/14/90	06/21/89	54 FR 26017
Final Action Effective	06/21/89	54 FR 26017

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Carey, Director, Bank Liaison Division, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, **202 906-6720**

RIN: 3068–AA93

3921. ● EQUITY-RISK INVESTMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract: The Bank Board has amended its regulations concerning investments by FSLIC-insured institutions in equity securities, real estate, service corporations, operating subsidiaries, certain land loans, and nonresidential construction loans. The rule differs from the original proposal (See RIN 3068-AA74) in that investments in Federal National Mortgage Association and Federal Home Loan Mortgage Corporation stock made on or before December 14, 1988 would be grandfathered in a manner consistent with the savings clause of the current equity-risk investment regulation found at 12 CFR 563.9-8(f) (1988).

See RIN 3068-AA74, Completed Actions, for references to the original proposal.

Timetable:

Action	Date	FR Cite
NPRM	04/18/89	54 FR 15426
NPRM Comment Period End	05/18/89	54 FR 15426
Final Action	08/17/89	54 FR 33870
Final Action Effective	09/18/89	54 FR 33870

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard M. Schwartz, Attorney, Regulations & Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, **202 906-6897**

RIN: 3068–AA94

3922. ● FEDERAL HOME LOAN BANKS AS SECURED CREDITORS

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1462 to 1464; 12 USC 1724 to 1726; 12 USC 1728 to 1730; 12 USC 1730a

CFR Citation: 12 CFR 549; 12 CFR 569a; 12 CFR 569c

Legal Deadline: None

Abstract: The Bank Board has adopted as a final rule a new section of its receivership regulations which recognizes the role of the Federal Home Loan Banks as special purpose lenders to the thrift industry, outlining the rights of the Banks regarding the collateral securing advances and the process of implementation of such rights.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/27/89	54 FR 19155
Final Action	05/04/89	54 FR 19155

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, 202 906-6428

RIN: 3068–AA95

3923. ● MANAGEMENT OFFICIAL INTERLOCKS

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1437; 12 USC 1464; 12 USC 1725 to 1726; 12 USC 1730; 12 USC 3201 et seq.

CFR Citation: 12 CFR 563f

Legal Deadline: None

Abstract: The Bank Board has amended its regulations concerning management official interlocks to delegate to the Principal Supervisory Agent the authority to respond to all applications for exemptions or extensions of time under 12 CFR 563f.4 and 563f.6, by either granting or withholding approval. This delegation does not, however, apply to applications which present an issue of policy or law.

Timetable:

Action	Date	FR Cite
Final Action	05/19/89	54 FR 21595
Final Action Effective	05/19/89	54 FR 21595

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robyn Dennis, Financial Analyst, Office of Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, NW, Washington, D.C. 20006, 202 331-4572

RIN: 3068–AA96

3924. ● NONDISCRIMINATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1437; 12 USC 1425b; 12 USC 1464; 12 USC 1725 to 1726; 12 USC 1730; 12 USC 2901; 15 USC 1691; 42 USC 1981 to 1982; 42 USC 3601 to 3619

CFR Citation: 12 CFR 528; 12 CFR 531

Legal Deadline: None

Abstract: The Bank Board has amended its regulations governing nondiscrimination by members of the Federal Home Loan Bank System in order to implement changes made through the Fair Housing Amendments Act of 1988 to Title VIII of the Civil Rights Act of 1968, in order to conform its regs to the statute and to implementing regulations promulgated by the Department of Housing and Urban Development.

Timetable:

Action	Date	FR Cite
Final Action Effective	06/29/89	54 FR 30535
Final Action	07/21/89	54 FR 30535

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Stephen D. Johnson, Attorney-Advisor, Office of Community Investment, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, 202 906-6318

RIN: 3068–AA97

3925. ● PREAPPROVED SECURITIES BROKERAGE SERVICE CORPORATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1464; 12 USC 1725 to 1726; 12 USC 1730

CFR Citation: 12 CFR 545.74

Legal Deadline: None

Abstract: The Bank Board has amended its Federal association service corporation regulations to enable service corporations to commence certain types of securities brokerage activities more quickly than under current procedures and regulations and without the need for a case-by-case application procedure by designating certain types of securities brokerage and investment advisory activities as preapproved.

This rule was originated as a reproposal of a previous proposal for which the period for Board consideration elapsed on December 6, 1988. See RIN 3068-AA61, in the April, 1989 Unified Agenda, 54 FR 17549 (April 24, 1989).

Timetable:

Action	Date	FR Cite
NPRM	04/07/89	54 FR 14091
NPRM Comment Period End	05/08/89	54 FR 14091
Final Action	08/11/89	54 FR 32954
Final Action Effective	09/11/89	54 FR 32954

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dean V. Shahinian, Deputy Director for Corporate Activities, Corporate & Securities Division, OGC, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, 202 906-7289

RIN: 3068–AA98

3926. ● PROHIBITED ACTS

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1726; 12 USC 1728 to 1730; 12 USC 1730a

CFR Citation: 12 CFR 584

Legal Deadline: None

Abstract: The Bank Board has amended its regulations governing prohibited acts by delegating additional authority to the Supervisory Agent to disapprove applications filed under 12 CFR 584.9(d) for relief from the Management Interlocks prohibitions found at 12 CFR 584.9 (b).

Timetable:

Action	Date	FR Cite
Final Action	05/24/89	54 FR 22414
Final Action Effective	05/24/89	54 FR 22414

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robyn Dennis, Financial Analyst, Office of Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, NW, Washington, D.C. 20006, 202 331-4572

RIN: 3068–AA99

3927. ● REQUIREMENT THAT POTENTIAL CLAIMANTS AGAINST FSLIC RECEIVERSHIPS PRESENT NOTICE OF CLAIMS TO RECEIVER BEFORE COMMENCING LITIGATION

Significance: Agency Priority

Legal Authority: 12 USC 1437; 12 USC 1464; 12 USC 1729

CFR Citation: 12 CFR 575a

Legal Deadline: None

Abstract: The Bank Board has adopted a regulation requiring that, prior to commencing litigation against the FSLIC as Receiver for a savings institution in liquidation, a litigant must have presented notice to the Receiver and allowed 180 days for the Receiver to evaluate the merits of the potential claim.

Timetable:

Action	Date	FR Cite
Final Action	03/24/89	54 FR 12414
Final Action Effective	03/24/89	54 FR 12414

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Judith L. Friedman, Associate General Counsel, Adjudication, Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, D.C. 20552, **202 906-7399**

RIN: 3068–AB00

[FR Doc. 89-21755 Filed 10-27-89; 8:45 am]

BILLING CODE 6720-01-T

Federal Register

Monday
October 30, 1989

Part LII

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration during the period from October 1, 1989, to September 30, 1990, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section.

The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Joseph C. Polking,
Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3928	Automated Tariff Filing	3072-AA61
3929	Index of Documents for Agreements	3072-AA64
3930	User Fees to Recover Agency Costs	3072-AA70
3931	Independent Action - Miscellaneous Provisions	3072-AA83
3932	Rates Quoted Subject to Booking	3072-AA86
3933	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
3934	Cancellation of Tariffs for Failure to Either File Anti-Rebate Certifications or Publish Appropriate Notices in Tariffs	3072-AB09
3935	Rules Implementing Report in Fact Finding 17 - Rates and Charges Provided at Marine Terminal Facilities	3072-AB17
3936	Rules Implementing Report in Fact Finding 15 -- Practices of Entities Acting as Intermediaries in Ocean Transportation of Goods in U.S. Commerce	3072-AB18
3937	Petition for Tariff Rule To Eliminate "Per Container" Rates (P4-89)	3072-AB19
3938	Petition for Tariff Rule on Maximum Container Weights (P3-89)	3072-AB20
3939	Petition for Section 16 Exemption - Cruise Lines International Association (P2-89)	3072-AB21

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3940	Equipment Interchange Agreements - Tariff Publication of Free Time and Detention Charges - Docket No. 89-4	3072-AB14
3941	Inquiry Into Laws, Regulations and Policies of the Government of Ecuador - Docket No. 89-07	3072-AB22

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3942	Practices of Ocean Common Carriers Regarding Effective Date of Rate Changes - Docket No. 88-19	3072-AB04

FMC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3943	Costs of Proceedings	3072-AA45
3944	Regulations to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade of the United States - Docket No. 88-24	3072-AB13
3945	Definitions of "Conference Agreement" and "Joint Service/ Consortium Agreement" - Docket No. 88-26	3072-AB15
3946	Tariff Filing Exemption for Port-to-Port Service in Hawaii - Docket No. 89-3	3072-AB16

FEDERAL MARITIME COMMISSION (FMC) — Prerule Stage

3928. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717; 31 USC 9701

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project. User fees for services will be considered.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
Notice of Inquiry on System Functionality	12/22/87	52 FR 48504
Further Notice	06/13/88	53 FR 22048
Second Report on System Functionality	12/29/88	53 FR 52785
End Review	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA61

3929. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA64

3930. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA70

3931. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit

FMC

Prerule Stage

the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA83

3932. RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
End Review	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA86

3933. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	
End Review	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA93

3934. CANCELLATION OF TARIFFS FOR FAILURE TO EITHER FILE ANTI-REBATE CERTIFICATIONS OR PUBLISH APPROPRIATE NOTICES IN TARIFFS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707; 46 USC app 1709; 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 580; 46 CFR 582

Legal Deadline: None

Abstract: Rule would minimize noncompliance with the requirements to file Anti-Rebate Certifications (46 CFR 582) and to publish anti-rebate provisions in tariffs (46 CFR 580.5(c)(2)).

Timetable:

Action	Date	FR Cite
Begin Review	12/27/87	
End Review	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB09

3935. RULES IMPLEMENTING REPORT IN FACT FINDING 17 - RATES AND CHARGES PROVIDED AT MARINE TERMINAL FACILITIES

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC app 816; 46 USC app 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 515; 46 CFR 560; 46 CFR 572

Legal Deadline: None

Abstract: Action would address issues of tariff and agreement filing requirements for marine terminal and stevedoring services.

Timetable:

Action	Date	FR Cite
End Review	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072–AB17

3936. RULES IMPLEMENTING REPORT IN FACT FINDING 15 -- PRACTICES OF ENTITIES ACTING AS INTERMEDIARIES IN OCEAN TRANSPORTATION OF GOODS IN U.S. COMMERCE

Significance: Agency Priority

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Action would address issues regarding the definition of "shipper" and untariffed NVOCC's.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB18

FMC

Prerule Stage

3937. ● PETITION FOR TARIFF RULE TO ELIMINATE "PER CONTAINER" RATES (P4-89)

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission has received a petition for a tariff rule to eliminate "per container" rates from the TransPacific Westbound Freight Agreement, American Trucking Associations, and ATA Intermodal Council.

Timetable:

Action	Date	FR Cite
Notice of Petition	08/24/89	54 FR 35246

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB19

3938. ● PETITION FOR TARIFF RULE ON MAXIMUM CONTAINER WEIGHTS (P3-89)

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission has received a petition for a tariff rule on maximum container weights from the South Europe/USA Freight Conference, American Trucking Associations, and ATA Intermodal Council.

Timetable:

Action	Date	FR Cite
Notice of Petition	08/24/89	54 FR 35246

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB20

3939. ● PETITION FOR SECTION 16 EXEMPTION - CRUISE LINES INTERNATIONAL ASSOCIATION (P2-89)

Legal Authority: 46 USC app 815

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission has received a petition for a section 16 exemption from the Cruise Lines International Association.

Timetable:

Action	Date	FR Cite
Notice of Petition	07/25/89	54 FR 30939

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB21

FEDERAL MARITIME COMMISSION (FMC)

Proposed Rule Stage

3940. EQUIPMENT INTERCHANGE AGREEMENTS - TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES - DOCKET NO. 89-4

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841; 46 USC app 843; 46 USC app 845a; 46 USC app 847; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; ...

CFR Citation: 46 CFR 550; 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Action would provide guidelines for filing equipment interchange agreement tariffs and similar provisions in service contracts. This will simplify the filing of equipment interchange agreements.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5506
Extension of Comment Period	03/17/89	54 FR 11249
NPRM Comment Period End	03/20/89	54 FR 5507
Comment Period End	04/04/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Legal Authority Cont: 46 USC app 1718

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072–AB14

3941. ● INQUIRY INTO LAWS, REGULATIONS AND POLICIES OF THE GOVERNMENT OF ECUADOR - DOCKET NO. 89-07

Significance: Agency Priority

Legal Authority: 46 USC app 876(1)(b); 46 USC app 1710a; Reorg Plan No. 7 of 1961

CFR Citation: 46 CFR 586

Legal Deadline: None

Abstract: The proposed rule would adjust or meet apparent unfavorable conditions by imposing burdens on an Ecuadorian carrier in response to burdens imposed on U.S. commerce by Ecuadorian laws and regulations.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	03/15/89	54 FR 10721
Notice of Further Comments	05/18/89	54 FR 21473
NPRM	08/18/89	54 FR 34194
NPRM Comment Period End	09/18/89	54 FR 34194

FMC

Proposed Rule Stage

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB22

FEDERAL MARITIME COMMISSION (FMC)

Final Rule Stage

3942. PRACTICES OF OCEAN COMMON CARRIERS REGARDING EFFECTIVE DATE OF RATE CHANGES - DOCKET NO. 88-19

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: Requested rule would state that tariff rates and rules may not be applicable to cargo that is received by the carrier or its agent prior to the effective date of the tariff provision.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	12/30/87	52 FR 49205
End Review	06/01/88	
NPRM	08/30/88	53 FR 33153
Extend time for comments to 11/01/88	10/04/88	53 FR 38969
NPRM Comment Period End	10/14/88	
Final Action	04/02/89	
Final Action	05/10/89	54 FR 20127
Effective Date Stayed Until Further Notice	07/10/89	54 FR 29036

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB04

FEDERAL MARITIME COMMISSION (FMC)

Completed Actions

3943. COSTS OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Legal Deadline: Other, Statutory, September 20, 1989.

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
Withdrawn Not necessary	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA45

3944. REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES - DOCKET NO. 88-24

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 876(1)(b); 46 USC app 1712(b)(5); 46 USC app 1714; 46 USC app 1716; 46 USC app 10002; Reorg. Plan No. 7 of 1961 (75 Stat 840)

CFR Citation: 46 CFR 585; 46 CFR 587; 46 CFR 588 (New)

Legal Deadline: None

Abstract: The action will implement the Foreign Shipping Practices Act of 1988, 46 USC app 10002.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	53 FR 44039
NPRM Comment Period End	01/15/89	
Final Action	03/21/89	54 FR 11529
Final Action Effective	04/20/89	54 FR 11529

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5740

RIN: 3072–AB13

3945. DEFINITIONS OF "CONFERENCE AGREEMENT" AND "JOINT SERVICE/CONSORTIUM AGREEMENT" - DOCKET NO. 88-26

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Action would amend the definitions of "conference agreement" and "joint service/consortium agreement" in rules governing the filing of agreements.

Timetable:

Action	Date	FR Cite
NPRM	12/06/88	53 FR 42910
Withdrawn	06/22/89	54 FR 26218
NPRM Comment Period End	12/06/89	

Small Entities Affected: None

Government Levels Affected: None

FMC

Completed Actions

Agency Contact: Austin L. Schmitt, Director, Bureau of Trade Monitoring, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5787**

RIN: 3072–AB15

3946. TARIFF FILING EXEMPTION FOR PORT-TO-PORT SERVICE IN HAWAII - DOCKET NO. 89-3

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 817; 46 USC app 833a; 46 USC app 841a; 46 USC app 844

CFR Citation: 46 CFR 550

Legal Deadline: None

Abstract: Action would permit carriers in the port-to-port service in the Hawaiian domestic offshore trade to publish on one day's notice reductions in existing commodity rates, and rates on new tariff items.

Timetable:

Action	Date	FR Cite
NPRM	02/02/89	54 FR 5253
NPRM Comment Period End	03/06/89	
Final Action	03/22/89	54 FR 11716
Final Action Effective	03/22/89	54 FR 11716

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, **202 523-5740**

RIN: 3072–AB16

[FR Doc. 89-21756 Filed 10-27-89; 8:45 am]

BILLING CODE 6730-01-T

Federal Register

Monday
October 30, 1989

Part LIII

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1989, through April 1, 1990. The next semiannual agenda will be published in April 1990.

DATES: Comments about the form or content of the agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its October 1989 Agenda as part of the October 1989 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous agenda and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3947	Regulation: C -- Home Mortgage Disclosure	7100-AB04
3948	Regulation: E - Electronic Fund Transfers	7100-AA77
3949	Regulation: G - Securities Credit by Persons Other Than Banks, Brokers, or Dealers; and Regulation: U - Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks	7100-AA99
3950	Regulation: K - International Banking Operations	7100-AA92
3951	Regulation: K - International Banking Operations	7100-AA98
3952	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks	7100-AA69
3953	Regulation: T - Credit by Brokers and Dealers	7100-AA72
3954	Private Sector Presentment (Docket Number: R-0631)	7100-AA96

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3955	Regulation: B - Equal Credit Opportunity (Docket Number: R-0671)	7100-AA97
3956	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0571)	7100-AA62
3957	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA56
3958	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
3959	Regulation: Y - Bank Holding Companies and Change in Bank Control and Regulation H - Membership of State Banking Institutions (Docket Number: R-0616)	7100-AA88
3960	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number R-0652)	7100-AA41
3961	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0664)	7100-AB03
3962	Proposals to Modify the Payments System Risk Reduction Program (Docket Numbers: R-0661, R-0668, R-0669, R-0670)	7100-AA76

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3963	Regulation: K - International Banking Operations	7100-AA67
3964	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58

FRS

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3965	Regulation: T - Credit by Brokers and Dealers	7100-AA93
3966	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0614)	7100-AA89
3967	Regulation: Z - Truth in Lending (Docket Number: R-0655)	7100-AA91
3968	Regulation: Z - Truth in Lending (Docket Number R-0654)	7100-AB00
3969	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0639)	7100-AA95
3970	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0648)	7100-AB01
3971	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0649)	7100-AB02
3972	Proposals for Long-Term Improvement to the Check Collection System (Docket Number: R-0622)	7100-AA94

FEDERAL RESERVE SYSTEM (FRS) — Proposed Rule Stage

3947. ● REGULATION: C -- HOME MORTGAGE DISCLOSURE

Legal Authority: 12 USC 2803(e); 12 USC 2803(h)

CFR Citation: 12 CFR 203

Legal Deadline: Other, Statutory, January 1, 1990.
As of January 1, 1990, lenders are required to collect the new information.

Abstract: Before year-end, the Board will propose for public comment and adopt revisions to Regulation C to implement amendments to the Home Mortgage Disclosure Act (HMDA) that were contained in the Financial Institutions Reform, Recovery and Enforcement Act, signed August 9, 1989. Currently, HMDA requires covered institutions to disclose and report information regarding their mortgage lending. Among other things, the statutory amendments extend the coverage of HMDA to include most mortgage lenders. Covered institutions will be required also to maintain and disclose information regarding mortgage loan applications, and information regarding the race, gender and income of applicants and borrowers. Under the amendments, banks and other depository institutions with $30 million or less in assets will not be required to report data on the race, gender, and income level of applicants and borrowers. Institutions with $10 million or less in assets remain exempt from all requirements of the Act. Therefore, it is not expected that the proposals will have a significant economic impact on the smallest mortgage lenders; they will have significant economic impact on institutions (cont)

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation C by	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: that have over $30 million in assets.

Agency Contact: John C. Wood, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AB04

3948. REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: The Board is conducting a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of technological and other developments. The Board will also consider whether to make any legislative recommendations for statutory changes.

Public comment will be requested on any regulatory proposals that may be developed following the review. It is not anticipated that the revisions would have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board may consider revisions to Regulation E	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA77

3949. REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS; AND REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 221; 12 CFR 207

Legal Deadline: None

Abstract: During the next three months the Board may address the ability of

lenders subject to Regulations G and U to transfer a credit between these two types of lenders without treating the transaction as creating a new extension of credit. The regulations currently permit a transfer only between lenders subject to the same regulation. Several law firms have expressed an interest in such a deregulatory amendment.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may address transfer provisions in Regulations G and U	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA99

3950. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 1843 (c)(13); 12 USC 601 to 604a; 12 USC 611 to 631

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The Board will consider whether to publish for public comment a proposed amendment to Regulation K to permit U.S. banking organizations to engage in a broader range of activities abroad. Specifically, the Board will consider whether U.S. banking organizations should be permitted to underwrite, distribute, and deal in equity securities outside the United States in excess of the current restriction in Regulation K, which prohibits a subsidiary of a U.S. banking organization from making an underwriting commitment for shares of an issuer in excess of: (i) $2 million, or (ii) 20 percent of the capital and surplus of the issuer's voting shares, unless covered by binding commitments from subunderwriters or other purchasers.

In addition, the Board will consider whether the purchases of shares of companies held in trading accounts should continue to be subject to the investment procedures set out in Regulation K at 12 CFR 211.5(c). This proposal may be considered in connection with the broad-based review of Regulation K to be issued by year-end. See RIN 7100-AA98. It is not expected that the proposal would have a significant economic impact on a (cont)

Timetable:

Action	Date	FR Cite
Board may consider an amendment to Regulation K	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: substantial number of small businesses, because it applies to U.S. banking organizations involved in international securities activities.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA92

3951. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 221 et seq; 12 USC 1841 et seq; 12 USC 3101 et seq

CFR Citation: 12 CFR 211

Legal Deadline: Other, Statutory, December 1989.
Section 3(b) of the International Banking Act of 1978 requires that Board review and revise Subpart A of Regulation K every five years, beginning in 1979.

Abstract: In 1989, the Board will conduct a broad-based review of Subpart A of Regulation K (International Operations of United States Banking Organizations), as required every five years by the International Banking Act. This review will include consideration of the powers of Edge corporations and additional overseas activities of U.S. banking organizations, including expanded authority to underwrite and deal in equity securities outside the United States. In addition, Subpart B (Foreign Banking Organizations) will be reviewed, particularly with respect to the effect of the revisions of the Standard Industrial Classification (SIC) codes on that Subpart. Subpart C (Export Trading Companies) will be reviewed with a view toward bringing that Subpart into conformity with the Export Trading Company Act Amendments of 1988. Two items that have been listed on the Board's Semiannual Agenda will now be considered in connection with this broad-based review. These items relate to restrictions on transactions with affiliates by Edge corporations (Docket No. R-0550; RIN 7100-AA58) and a possible amendment to Section 211.3(b)(g) governing (cont)

Timetable:

Action	Date	FR Cite
Board will conduct review by	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: establishment of a foreign operating subsidiary by a member bank (RIN 7100-AA67). Separate, but related to this review of Regulation K, is the consideration of the liberalization of overseas securities activities (RIN: 7100-AA92).

It is not expected that any revisions would have an adverse impact on a substantial number of small banking organizations.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA98

3952. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Legal Deadline: None

Abstract: During the next two months, the Board will conduct a zero-based review of Regulation P, which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve Banks and for State member banks. The review will consider whether any provisions of the regulation are outdated and whether any substantive

changes are necessary because of new technological developments. The regulation will also be reorganized and revised for simplicity and clarity. Public comment will be requested following the zero-based review. It is not anticipated that the revised regulation will have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation P	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Durkin, Regulatory Planning and Review Director, Federal Reserve System, Office of the Secretary, 202 452-2326

RIN: 7100–AA69

3953. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: During the next two months the Board may consider proposing amendments to Regulation T to accommodate settlement and clearance of foreign securities in accounts covered by Regulation T. A request has been made that extensive amendments be proposed because of the growing internationalization of the securities markets.

It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation T	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA72

3954. PRIVATE SECTOR PRESENTMENT (DOCKET NUMBER: R-0631)

Legal Authority: 12 USC 4008(c)

CFR Citation: None

Legal Deadline: None

Abstract: In April 1988, the Board requested comment on whether it should require paying banks to pay for checks presented by private sector collecting banks before 2:00 p.m. in same-day funds and without imposing presentment fees (53 FR 11911, April 11, 1988). The purpose of such a regulation would be to speed the forward collection of checks by requiring paying banks to accept checks without charging a fee later in the day, thus increasing the number of checks that can be collected that day. It would give private sector collecting banks the same rights vis-a-vis paying banks as the Federal Reserve Banks now have.

The Board has not yet made a specific proposal to amend its regulation in this regard. Rather, it merely requested comment on the idea of same-day payment in private sector presentments. If such a regulation were to be adopted, small entities that might be affected include small banks and State and local governments.

The Board will review the public comments and determine whether to propose specific regulations within the next four months.

Timetable:

Action	Date	FR Cite
Board requests comment	04/11/88	53 FR 11911
Board extends comment period to December 1, 1988	07/21/88	53 FR 27565
Board will review further	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-3874

RIN: 7100–AA96

FEDERAL RESERVE SYSTEM (FRS)

Final Rule Stage

3955. REGULATION: B - EQUAL CREDIT OPPORTUNITY (DOCKET NUMBER: R-0671)

Legal Authority: 15 USC 1691 et seq as amended Equal Credit Opportunity Act

CFR Citation: 12 CFR 202

Legal Deadline: None

Abstract: In July 1989, the Board published for comment revisions to Regulation B to implement amendments to the Equal Credit Opportunity Act contained in H.R. 5050, enacted in October 1988 (54 FR 29734, July 14, 1989). The Board's proposal would require creditors (1) to give written notice to business applicants (either at the time of application or when credit is denied) of their right to a written statement of the reasons for credit denial or other adverse action, and (2) to maintain records used in evaluating credit applications for 25 months. The proposal closely parallels the rules that govern nonbusiness transactions (with one or two differences that would offer creditors some flexibility). Creditors could follow the present nonbusiness rules and be in full compliance with the amended regulation.

The statutory changes were intended to expand the ECOA rights available to small-business owners. Under the Board's proposal, the new rules would apply to credit applications from businesses with gross revenues of $500,000 or less; other applications and trade credit transactions would (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendments to Regulation B	07/14/89	54 FR 29734

Action	Date	FR Cite
Further Board action by	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: remain subject to modified rules, which also would be revised. The new rules will cover all institutions that extend business loans, and do not distinguish between large and small creditors. Consequently, institutions of all sizes will incur similar types of costs in implementing the rules.

The Board will review the public comments and is expected to adopt final regulations in late October 1989; the new rules would take effect January 1, 1990.

Agency Contact: Adrienne D. Hurt, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA97

3956. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0571)

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Legal Deadline: None

Abstract: In May 1986, the Board issued for comment rules to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (51 FR 16855, May 7, 1986). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold.

Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate. The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. Finally, the proposal would (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	05/07/86	51 FR 16855
Comment period extended	07/10/86	51 FR 25069
Further Board action by	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: clarify how the Board measures the "maturity" of an obligation for the purposes of Regulation D. The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action in the near future.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3778

RIN: 7100–AA62

3957. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Legal Deadline: None

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next six months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick J. McDivitt, Attorney, Federal Reserve System, Legal Division, 202 452-3818

RIN: 7100–AA56

3958. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1986, the Board requested public comment on a proposal to permit bank holding companies to engage in real estate investment activities within certain limits (52 FR 543, January 7, 1987). The proposed limits are designed to ensure that conduct of the activity does not result in unsafe or unsound practices, unfair competition, conflicts of interest or other adverse effects.

The Board requested public comment on a number of specific items, including whether real estate investment activities may be deemed to be closely related to banking and a proper incident thereto for purposes of Section 4(c)(8) of the Bank Holding Company Act; whether the proposed limits on the size, scope, and manner in which the activity would be conducted are appropriate; whether nonbank companies owned by holding company banks should be prohibited from conducting these activities; and whether the Board should establish special

capital requirements for bank holding companies that control banks directly engaged in these activities.

The proposal, if adopted, would permit bank holding (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Board issues proposal for public comment	01/07/87	52 FR 543
Further Board action indefinite	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: companies to engage in limited real estate investment activities that bank holding companies are not now permitted to conduct and would not impose more burdensome requirements on bank holding companies than are currently applicable. Moreover, the proposal includes provisions designed to permit small bank holding companies to participate meaningfully in the proposed activities. The proposal does not impose any limitations on the direct real estate investment activities of holding company banks. (See Docket Number R-0616, for additional information on proposed real estate investment limitations.)

It is not expected that the Board would take action on this proposal until after resolution of pending rulemaking to rescind the Regulation Y provision permitting bank holding companies to acquire, through their subsidiary state banks, shares of companies engaged in activities that the bank is permitted to conduct under state law, so-called operations subsidiaries (R-0652).

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA52

3959. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL AND REGULATION H - MEMBERSHIP OF STATE BANKING INSTITUTIONS (DOCKET NUMBER: R-0616)

Legal Authority: 12 USC 1843(c)(8); 12 USC 371c; 12 USC 3901

CFR Citation: 12 CFR 225.13(b)(1); 12 CFR 225, Appendix; 12 CFR 208.14

Legal Deadline: None

Abstract: In November 1987, the Board requested comment on whether, in evaluating proposals submitted under section 3 of the Bank Holding Company Act, the Board should consider the impact of real estate activities of the bank to be acquired by the bank holding company on the financial condition of the bank and bank holding company, and, where appropriate, should prohibit banks and savings banks that are acquired by bank holding companies from directly engaging in real estate investment and development activities (52 FR 42301, November 4, 1987).

The Board also requested comment on whether member banks that are not in a bank holding company should be made subject to the interaffiliate lending restrictions of section 23A of the Federal Reserve Act in their dealings with real estate investment and development subsidiaries of the bank.

Finally, the Board requested comment on whether the Board should impose special capital requirements on real estate subsidiaries of banks in a bank holding company, under the Board's authority in the International Lending Supervision Act. These three proposals supplement the Board's earlier (cont)

Timetable:

Action	Date	FR Cite
Board requested public comment	11/04/87	52 FR 42301
Further Board action indefinite	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: request for comment in December 1986 regarding whether the Board should permit bank holding companies to engage in real estate investment activities.

This proposal is not expected to have a significant economic impact on small companies because the Board believes that very few small banks are currently engaged in real estate investment and development activities, and bank holding companies are not generally permitted to engage in these activities.

It is not expected that the Board would take action on this proposal until after resolution of pending rulemaking to rescind the Regulation Y provision permitting bank holding companies to acquire, through their subsidiary state banks, shares of companies engaged in activities that the bank is permitted to conduct under state law, so-called operations subsidiaries (R-0652).

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA88

3960. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER R-0652)

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: A provision of Regulation Y permits a State bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under State law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under Federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

In December 1988, the Board requested public comment regarding whether this rule, as it applies to nonbanking companies owned by state banks in a holding company system, continues to be valid and appropriate in light of enactment of the (cont)

FRS

Final Rule Stage

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board requested comment	12/05/88	53 FR 48915
Further Board action by	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Garn-St Germain Act and certain recent court decisions (53 FR 48915, December 5, 1988). The Board also held an informal public hearing on this matter on April 7, 1989. The Board has not proposed revising its current rule regarding subsidiaries of national banks in a holding company. A determination to reverse the Board's state bank rule could have an adverse impact on small banks that are subsidiaries of holding companies because they might be required to restructure their nonbanking activities or to take other action. The Board is expected to take further action within the next six months.

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Legal Division, Federal Reserve System, 202 452-3583

RIN: 7100–AA41

3961. ● REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0664)

Legal Authority: 12 USC 1843(c)(8)

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1988, the Board requested public comment on a proposal by a bank holding company to provide armored car transportation services to non-affiliated customers and on whether the proposed armored car activities may be deemed to be closely related to banking and a proper incident thereto for purposes of Section 4(c)(8) of the Bank Holding Company Act (53 FR 50292, December 14, 1988).

The National Armored Car Association submitted comments in opposition to the application and requested a hearing on whether the proposal would meet Section 4(c)(8) of the Bank Holding Company Act. A formal, public hearing before a hearing officer was held on June 16 and July 11, 1989, at the offices of the Board in Washington, D.C. A recommended decision by the hearing officer is expected to be filed with the Board in September, 1989, after which the Board will consider the application. The proposal, if adopted, would permit a bank holding company to engage in a broader range of armored car services than bank holding companies currently are permitted to conduct under 12 CFR 225. Specifically, the proposal would permit a small bank (cont)

Timetable:

Action	Date	FR Cite
Board issued proposal for comment	12/14/88	53 FR 50292
Board will review further	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: holding company that currently operates an armored car for internal automatic teller machine servicing to utilize excess capacity in the armored car to serve non-affiliated financial institutions and other customers in the East Moline, Illinois, trading area.

Agency Contact: Kay E. Bondehagen, Senior Attorney, Legal Division, Federal Reserve System, 202 452-2067

RIN: 7100–AB03

3962. PROPOSALS TO MODIFY THE PAYMENTS SYSTEM RISK REDUCTION PROGRAM (DOCKET NUMBERS: R-0661, R-0668, R-0669, R-0670)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In June 1989, the Board requested comment on several proposals that would modify its payments system risk reduction program (54 FR 26090, June 21, 1989). The proposals concerned pricing of daylight overdrafts (R-0668, previously proposed in Docket R-0592, 51 FR 45042, December 16, 1986), book-entry securities transfers (R-0669), and foreign bank agencies and branches (R-0670). In conjunction with the proposals, the Board issued three policy statements regarding private delivery-against-payment systems (R-0665), offshore clearing and netting systems (R-0666), and rollovers and continuing contracts (R-0667).

In addition, as another facet of its risk reduction program, in March 1989, the Board requested comment on changes in the way the Federal Reserve Banks treat automated clearing house transactions (Docket R-0661, 54 FR 8822, March 2, 1989). It is not expected that these actions will have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems.

Timetable:

Action	Date	FR Cite
Board requested comment	06/21/89	54 FR 26090
Further Board action by	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Board will review the public comments and is expected to take further action by April 1990.

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, 202 452-3363

RIN: 7100–AA76

FEDERAL RESERVE SYSTEM (FRS) Completed Actions

3963. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 601 et seq

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The last Semiannual Agenda included a possible amendment to the Board's regulation governing the establishment of foreign operating subsidiaries by member banks. The amendment would eliminate the requirement in section 211.3(b)(9) of Regulation K that a member bank's operating subsidiary be established only where required by local law or regulation. The revision is intended to promote the efficiency of member banks' foreign operations. The Board will consider this item in connection with the broad-based review of Regulation K expected by the end of the year. See RIN 7100-AA98.

The proposal would not have a significant economic impact on a substantial number of small businesses because it affects only U.S. banks operating abroad.

Timetable:

Action	Date	FR Cite
Amendment to be considered in broad-based review of Regulation K (RIN 7100-AA98)	08/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100–AA67

3964. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of Section 23A of the Federal Reserve Act (12 USC 371c) because it is not owned by a U.S. insured bank (50 FR 35238, August 30, 1985). In taking this action, the Board noted the increasing number of owners of Edge Corporations that are not subject to Federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking. (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/30/85	50 FR 35238
Amendment to be considered in broad-based review of Regulation K (RIN 7100-AA98)	08/25/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Board is continuing to evaluate whether this proposal should be adopted and will consider it in the broad-based review of Regulation K expected by the end of the year. See RIN 7100-AA98.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100–AA58

3965. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: Several national securities exchanges have proposed trading new stock-index-related products, often called "index participations." Because these products may not fit the existing categories of securities in Regulation T, it is expected that the Board will address the marginability of these products at broker-dealers.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Because of pending litigation, further review of this issue by the Board is indefinite.

Timetable:

Action	Date	FR Cite
Further review is indefinite	08/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, **202 452-2781**

RIN: 7100–AA93

3966. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0614)

Legal Authority: 12 USC 1843(c)(8)

CFR Citation: 12 CFR 225.25(b)(9)

Legal Deadline: None

Abstract: In September 1987, the Board requested public comment on whether the Board should authorize bank holding companies to acquire thrift institutions as a general matter under section 4(c)(8) of the Bank Holding Company Act. The Board currently permits bank holding companies to acquire thrift institutions only if the thrift is failing or has failed, and the acquisition is likely to result in revitalization of the thrift.

The Board requested comment on whether changes in the economic and regulatory environment, in particular the expansion of the powers of thrifts and the growth in state initiatives authorizing interstate banking, justify revisions of the Board's policy and the authorization of thrift acquisitions by bank holding companies. The Board also requested comment on what, any, conditions the Board should impose on bank holding companies seeking to acquire thrifts. The provisions of the

recently enacted Financial Institutions Reform, Recovery and Enforcement Act of 1989 (Act), which became effective on August 9, 1989, specifically permit the (cont)

Timetable:

Action	Date	FR Cite
Board requested public comment	09/25/87	52 FR 36041
Board adopted proposal	08/24/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Board to authorize the acquisition of any savings association by any bank holding company. The Board, therefore, on August 24, 1989 adopted its proposal in light of the provisions of the Act (Federal Register cite unavailable). The Board's proposal is not expected to impose a substantial economic burden on small bank holding companies because this action would permit all bank holding companies to acquire thrift institutions, and would not impose different requirements on companies based on their size.

Agency Contact: Michael J. O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3288

RIN: 7100–AA89

3967. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER: R-0655)

Legal Authority: 15 USC 1604, as amended, Truth in Lending Act

CFR Citation: 12 CFR 226

Legal Deadline: Other, Statutory. The Board's rules apply to open-end credit plans entered into or applications for such plans that are distributed on or after November 7, 1989.

Abstract: In June 1989, following review of public comments received on its January 1989 proposal, the Board published a final rule to amend Regulation Z to implement provisions of the Home Equity Loan Consumer Protection Act of 1988, which requires creditors to provide consumers with more information for open-end credit plans secured by the consumer's dwelling, and imposes substantive limitations on these plans (54 FR 24670, June 9, 1989).

Under the amended regulation, creditors have to provide additional information at the time an application is provided to consumers, including information about the payment terms, fees imposed under the plan, and, for variable-rate plans, information about the index and a fifteen-year history of changes in the index values. Creditors also are required to provide consumers with a brochure prepared by the Board (or with one substantially similar) that describes home equity plans. In addition, new duties are imposed on third parties who provide applications to consumers, and the rules relating to advertisements for home equity plans have been modified. (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendment	01/23/89	54 FR 3063
Board adopted final rule	06/09/89	54 FR 24670

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: The final rule also amends Regulations Z to implement new substantive limitations imposed by the law on home equity plans. Small institutions engaged in home equity lending could incur additional expenses, including costs to revise and reprint disclosure forms, to acquire and distribute the home equity brochures, and possibly to modify their contracts. They also will need to review and possibly modify their advertisements for home equity plans. The Board has revised Appendix G of the regulation to provide disclosure samples and model clauses to assist creditors in preparing their disclosures.

Agency Contact: Sharon Bowman, Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100–AA91

3968. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0654)

Legal Authority: 15 USC 1604 as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Legal Deadline: Final, Statutory. Final regulations were effective April 3, 1989, 150 days from enactment of the law.

Abstract: In April 1989, following review of public comments received on its December 1988 proposal, the Board adopted revisions to Regulation Z to implement amendments to the Truth in Lending Act that were part of H.R. 515, the Fair Credit and Charge Card Disclosure Act of 1988, enacted on November 3, 1988 (54 FR 13855, April 6, 1989). The statutory amendments require credit and charge card issuers to provide certain credit disclosures in telephone solicitations and in direct mail and other applications and solicitations to open credit and charge card accounts. Card issures will also be required to give cardholders written notice regarding the renewal of their credit and card accounts before a cardholder has to pay a fee to renew the account. In addition, the law requires credit card issures to provide cardholders with written notice of a change in the entity providing credit insurance on credit card accounts.

The Board also revised Appendix G of Regulation Z to provide model forms and clauses to assist creditors in preparing their disclosures.

Timetable:

Action	Date	FR Cite
Board proposed amendment to Regulation Z	12/23/83	53 FR 51785
Board adopted final rule	04/06/89	54 FR 13855

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: Regardless of size, most commercial banks offer credit card plans to consumers. The regulations do not distinguish between large and small creditors. Consequently, creditors of all sizes will incur similar types of costs. However, the magnitude of these expenses will depend upon the level of a particular creditor's credit card plan operation and the type of marketing employed. With respect to bank cards, the majority of credit card accounts are held by a relatively small number of large card issuers. These institutions also probably account for a substantial proportion of the credit card solicitations. Consequently, large card issuers will probably incur a larger aggregate cost, relative to smaller card issuers, to comply with the new rules, although on a cost-per-solicitation or cost-per-account basis these costs will probably be relatively small.

Agency Contact: John C. Wood, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AB00

3969. REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0639)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229.36

Legal Deadline: None

Abstract: In June 1988, the Board issued for comment a proposed amendment to Regulation CC that would prohibit banks from issuing teller's checks unless a depositary bank located in the same check processing region as the issuing bank would normally receive credit for the check as early as credit for a check drawn on the issuing bank. The purpose of the amendment is to address the problems connected with certain delayed disbursement practices.

Following review of public comments, and in lieu of adopting the proposed regulation, the Board issued a policy statement discouraging the delayed disbursement of teller's checks and cashier's checks (54 FR 13839, April 6, 1989). The policy statement applies to all banks regardless of size. It is not expected that the policy will impose significant costs on small banks.

Timetable:

Action	Date	FR Cite
Board requested comment on a proposed amendment to Regulation CC	06/27/88	53 FR 24093
Adoption of policy statement	04/06/89	54 FR 13839

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-3874

RIN: 7100–AA95

3970. REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0648)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229

Legal Deadline: None

Abstract: In November 1988, the Board adopted a rule to amend its Regulation CC to treat "bank payable through checks" as local or nonlocal based on the location of the bank on which they are written rather than the location of the bank through which they are payable. In conjunction with the final rule, the Board issued proposed amendments to Regulation CC designed to alleviate the operational difficulties and additional risks resulting from the final rule. Following review of the public comments, the Board, in July 1989, issued a final rule that provides for certain labeling requirements for bank payable through checks and shifts some of the risk of loss due to a late return of a bank payable through check to the bank on which the check is written (54 FR 32035, August 4, 1989). The proposed rule would affect all institutions that issue payable through checks. A number of these institutions would be small banks, generally credit unions.

Timetable:

Action	Date	FR Cite
Board issued proposals for comment	11/02/88	53 FR 44335
Final rule adopted	08/04/89	54 FR 32035

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-3874

RIN: 7100–AB01

3971. REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0649)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229

Legal Deadline: None

Abstract: The Board's Regulation CC requires banks to make funds available to their customers within specific times, to disclose their fund availability policies to their customers, and to handle returned checks expeditiously. Since the publication of Regulation CC, the Board has received numerous requests from banks and others for clarification of various provisions of the regulation. In November 1988, the Board issued for comment proposed changes to Regulation CC that respond to many of the questions and provide assistance to banks in understanding and complying with the regulation.

Following review of public comments, the Board adopted final amendments in April 1989 (54 FR 13841, April 6, 1989).

Adoption of the final amendments did not result in any significant economic impact on small entities.

Timetable:

Action	Date	FR Cite
Board requested comment on proposed changes	11/02/88	53 FR 44343
Board adopted proposed amendments	04/06/89	54 FR 13841

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie Martin, Attorney, Federal Reserve System, Legal Division, 202 452-3198

RIN: 7100–AB02

3972. PROPOSALS FOR LONG-TERM IMPROVEMENT TO THE CHECK COLLECTION SYSTEM (DOCKET NUMBER: R-0622)

Legal Authority: 12 USC 4001 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In December 1987, the Board published for comment several proposals that have the potential to improve the check collection system (52 FR 47112, December 11, 1987). They are, however, long-term proposals that are not likely to be implemented in the immediate future. They include bar-code endorsements, digitized image processing of checks, electronic clearing zones, and an electronic clearing house.

If these were to be introduced, they would likely have a significant economic impact on a substantial number of small banks and small entities including State and local governments that use their services.

Because these are long-term proposals requiring extensive review, the Board does not expect action in the near future.

FRS

Completed Actions

Timetable:

Action	Date	FR Cite
Board issued proposals for comment	12/11/87	52 FR 47112
Action not expected in near future	08/25/89	
Board may take further action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Gayle Thompson, Program Leader, Federal Reserve System, Div. of Federal Reserve Bank Operations, **202 452-2934**

RIN: 7100–AA94

[FR Doc. 89-21757 Filed 10-27-89; 8:45 am]

BILLING CODE 6210-01-T

Federal Register

Monday
October 30, 1989

Part LIV

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected date reflects an assessment by the FTC staff of the likelihood that the specified event will occur during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the notation of projected events in this agenda.

Several agenda items concern rulemaking proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding is likely to have a significant economic impact on such entities will depend upon the Commission's final determinations respecting the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff based upon information now available. These views should not be regarded as a final staff position nor should they be attributed to the Commission itself. The Commission will independently address the issues presented on the rulemaking record in each proceeding.

Agenda items include the projected timing of certain future actions. In most instances, the dates of future events are listed by month, not by a specific day. Acquisition of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact person listed for each particular proceeding.

By direction of the Commission.

Donald S. Clark,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3973	Review of Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3974	Informal Dispute Settlement Procedures	3084-AA30
3975	Franchise Rule	3084-AA38

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3976	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
3977	Review of the Sewing Machine Rule	3084-AA39
3978	Regulations Under the Comprehensive Smokeless Tobacco Health Education Act of 1986	3084-AA40

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3979	Review of the Funeral Industry Practices Rule	3084-AA05
3980	Mail Order Merchandise	3084-AA19
3981	Review of the Premerger Notification Rules and Report Form	3084-AA23
3982	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26
3983	Transistor Rule	3084-AA37

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3984	Retail Food Store Advertising and Marketing Practices	3084-AA17

FEDERAL TRADE COMMISSION (FTC)

Prerule Stage

3973. REVIEW OF TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Legal Deadline: None

Abstract: The Holder-In-Due Course Rule affects many sales that are financed by closed-end or open-end consumer credit; therefore, it may have a significant effect on a substantial number of small entities. The Commission has solicited comments and data on this issue and, if the Rule has had an effect, whether it should be amended to minimize what kinds of costs the Rule has imposed on small entities, how the Rule has effected the availability and cost of credit for small entities and how creditors and sellers have adapted to the Rule. This information will be used to determine whether the Commission should amend or repeal the Rule.

Timetable:

Action	Date	FR Cite
Begin Reg Flex Review	11/03/88	53 FR 44456
Commission Consideration of Staff Recommendations	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard C. Sauer, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3144

RIN: 3084–AA08

3974. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Legal Deadline: None

Abstract: The Magnuson-Moss Warranty Act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. To assess whether any changes are needed, the Commission conducted a regulatory negotiation process in which an advisory committee was charged to recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee	09/23/86	
Facilitator Report to Commission	12/10/87	
Commission Issuance of ANPR	05/16/89	54 FR 21070
Commission Consideration of Petition to Amend Rule	05/00/89	
Extension of Time for Public Comment Period	07/17/89	54 FR 29910
Comment Period Ends	09/15/89	
Extension of Comment Period	09/19/89	54 FR 38529
Comment Period Ends	11/15/89	
Commission Consideration of Staff Recommendations	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms. The committee met for the last time on June 17, 1987, and failed to reach a consensus on rule revisions. The Commission and its staff will continue to monitor the impact of the current informal dispute settlement procedures rule. On April 11, 1988, the FTC received a petition from the Motor Vehicle Manufacturers Association and the Automobile Importers Association to amend this rule in order to preempt certain state "lemon" laws. The Commission has issued an Advance Notice of proposed rulemaking requesting public comment on whether to initiate a review of the Rule and on the issues raised in the petition.

Agency Contact: Gary Laden, Federal Trade Commission, Division of Marketing Practices, Federal Trade

FTC

Prerule Stage

Commission, Washington, DC 20580, 202 326-3118

RIN: 3084–AA30

3975. FRANCHISE RULE

Legal Authority: 15 USC 41 et seq., Federal Trade Commission

CFR Citation: 16 CFR 436

Legal Deadline: None

Abstract: On December 21, 1978, the Commission issued a trade regulation rule applicable to franchises and other business opportunity ventures. The franchise rule took effect on October 21, 1979. The rule requires franchisors to give pre-sale disclosures to prospective investors before they pay money or become legally bound to pay. The disclosures provide material information and are designed to assure that potential investors have the information they need to investigate the franchise offer so they can make an informed investment decision. The Commission is considering whether to amend its trade regulation rule concerning franchises and business opportunity ventures. In particular, the Commission is considering whether to amend the rule's earnings claim and preemption provisions.

Timetable:

Action	Date	FR Cite
ANPR	02/16/89	54 FR 7041
Staff Recommendations to Commission	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Craig Tregillus, Franchise Rule Coordinator, PC-H-238, Federal Trade Commission, Division of Marketing Practices, Washington, D.C. 20580, 202 326-2970

RIN: 3084–AA38

FEDERAL TRADE COMMISSION (FTC)

Proposed Rule Stage

3976. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Legal Deadline: None

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
NPRM	07/07/88	53 FR 25503
Staff Report	08/30/89	
Presiding Officer Report	10/30/89	
Commission Consideration of Staff Recommendation	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the rule's recordkeeping and disclosure requirements.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Ave., Cleveland, Ohio 44114, 216 522-4207

RIN: 3084–AA24

3977. ● REVIEW OF THE SEWING MACHINE RULE

Legal Authority: 15 USC 41-58

CFR Citation: 16 CFR 401

Legal Deadline: None

Abstract: On June 30, 1965, the Commission promulgated the Sewing Machine Rule. The Rule states that the use of the word "automatic" or terms of similar import to describe a household sewing machine is an unfair or deceptive act. The need for the Rule, stated at the time of promulgation, was that use of the word automatic as a description of a sewing machine led consumers "to believe that merely by the twist of a dial or the flick of a lever they will be able to perform sewing operations." On April 19, 1989, the Commission initiated a rulemaking proceeding to determine whether or not the Sewing Machine Rule should remain in effect without changes or should be repealed. In an Advance Notice of Proposed Rulemaking, the Commission sought public comment on whether sewing machine technology and marketing have changed so that the Rule is no longer needed, and whether the Rule still provides any benefit.

Timetable:

Action	Date	FR Cite
ANPR	05/03/89	54 FR 18906
Close of Comment Period	06/02/89	
NPR	10/00/89	

FTC

Proposed Rule Stage

Action	Date	FR Cite
Commission Consideration of Staff Recommendations	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Federal Trade Commission, Washington, D.C.20580, 202 326-3029

RIN: 3084–AA39

3978. ● REGULATIONS UNDER THE COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION ACT OF 1986

Legal Authority: 15 USC 4401

CFR Citation: 16 CFR 307

Legal Deadline: Other, Judicial, July 31, 1989.
Deadline is for the NPR.

Abstract: On July 31, 1989, the Commission issued a NPR to amend its regulations under the Comprehensive Smokeless Tobacco Act of 1986, 15 U.S.C. 4401, and sought public comment. In 1986, the Commission had issued final regulations implementing the Act's requirements for the display of health warnings in the labeling and advertising of smokeless tobacco products and for the submission of plans specifying the method used to rotate, display, and distribute the mandated health warnings. The regulations exempted utilitarian objects that are sold or given to consumers for their personal use, that display the brand name, logo, or selling message of a smokeless product. The Commission's exemption of these items from the regulation's requirements was challenged in court and the Commission was ordered to delete this exemption. This proposed amendment deletes the previous exemption and proposes a method for the display of the mandated health warnings on utilitarian objects.

Timetable:

Action	Date	FR Cite
Rule Promulgated	11/04/86	51 FR 40004
NPR	07/31/89	54 FR 31541
Closing of Comment Period	08/30/89	
Extension of Comment Period	09/07/89	54 FR 37117
Closing of Comment Period	10/16/89	
Commission Consideration of Staff Recommendations	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne V. Maher, Federal Trade Commission, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C.20580, 202 326-2987

RIN: 3084–AA40

FEDERAL TRADE COMMISSION (FTC)

Final Rule Stage

3979. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Legal Deadline: None

Abstract: The funeral industry practices rule, which became fully effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with written itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking proceeding to determine whether the Rule should be amended or terminated. (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	09/24/82	47 FR 42260
Prohibitions Effective Date	01/01/84	
Affirmative Requirements Effective Date	04/30/84	
ANPRM	12/09/87	52 FR 46706
NPRM	05/31/88	53 FR 19864
Hearings Ended	02/03/89	
Staff Report	01/00/90	
Commission Consideration of Staff Recommendations	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Commission has issued the Notice of Proposed Rulemaking for public comment and held informal public hearings in the cities of Washington, Chicago, and San Francisco. The subsequent steps include the publication of a staff recommendation and a report from the presiding officer. Thereafter, the Commission will make its final determination.

Agency Contact: Raouf M. Abdullah, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, D.C. 20580, 202 326-3024

RIN: 3084–AA05

3980. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Legal Deadline: None

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any

claims made concerning shipping dates or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
ANPR	10/27/88	53 FR 43448
Commission Consideration of Staff Recommendations	09/00/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, shipments, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Staff is considering whether to recommend to the Commission that the rule be amended to cover orders placed by telephone or any other means, and whether the rule's definition of "properly completed order" for credit sales should be amended to mean the time the seller receives sufficient information to charge the buyer's account. On October 27, 1988, the Commission published an ANPR inviting public comment on these questions. After analyzing these comments and other information, the staff will recommend that the Commission either publish an NPRM or end the inquiry.

Agency Contact: Joel N. Brewer, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2967

RIN: 3084–AA19

3981. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, (Appendix)

Legal Deadline: None

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. In September 1988, the Commission proposed to amend these rules to exempt the acquisition of small percentages of an issuer's voting securities, and proposed two alternative amendments that would provide other special treatment for acquisitions of small percentages of voting securities. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
NPRM -- De Minimis Exemption	09/22/88	53 FR 36831
ANPR -- Partnerships	02/24/89	54 FR 7960
Comm. Consid. of Staff Rec. re: De Minimis Exemption	08/00/89	
Comm. Consid. of Staff Rec. re: Partnerships	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: In February 1989, the Commission issued an ANPR seeking comments on options for amending the rules to modify their treatment of transactions involving partnerships. In fiscal year 1990, the Commission expects to determine what action, if any, to take on the proposed amendment regarding partnerships.

Agency Contact: Roberta S. Baruch, Deputy Assistant Director, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202 326-3300

RIN: 3084–AA23

3982. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Legal Deadline: Final, Statutory, July 1, 1989.
See section 2(d)(2)(B) of Pub. L. 100-357, June 28, 1988, 102 Stat. 672.

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers;

FTC

Final Rule Stage

(2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. In 1987, the Commission amended the rule to include central air conditioners and heat pumps and to include two new types of furnace under the rule's coverage. The provisions took effect on June 7, 1988. Since the Commission's rule implements the requirements of EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances but does impose some burdens on distributors and retailers. Some of those entities may be small businesses under section 610 of the Regulatory Flexibility Act. Therefore, the Commission (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	04/08/85	50 FR 13820
End Reg Flex Review	06/13/88	53 FR 22106
NPRM (comprehensive review)	06/13/88	53 FR 22022
NPRM (Fluorescent Lamp Ballasts)	01/12/89	54 FR 1182
Final Action (Ballasts)	07/05/89	54 FR 28031
Final Action (comprehensive review)	12/00/89	
Effective Date (Fluorescent Lamp Ballasts)	01/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: has reviewed the rule to determine whether it has had a significant economic effect on a substantial number of small entities. The Commission has terminated that review and has begun another rulemaking to consider several amendments that would make the rule's energy usage disclosure scheme more efficient for consumers and business. The Commission has estimated that the proposals will reduce the paperwork burden of compliance by 5 percent. Pursuant to recent amendments to EPCA, the Commission issued a rule prescribing labeling requirements for fluorescent lamp ballasts.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084–AA26

3983. TRANSISTOR RULE

Legal Authority: 15 USC 41 et seq., Federal Trade Commission Act

CFR Citation: 16 CFR 414

Legal Deadline: None

Abstract: The Transistor Count Rule states that it is an unfair method of competition and an unfair or deceptive act or practice in connection with the sale of radio receivers (including transceivers) to represent that a radio set contains a specified number of transistors when the transistors counted do not function to detect, amplify, or receive radio signals. The rule was adopted May 4, 1968 and became effective on December 10, 1968. The Commission seeks comment on whether or not changes in technology and marketing over the last twenty years have rendered the rule obsolete and therefore no longer in the public interest. The Commission has issued an NPR asking for comment on the continued viability of the rule and whether it should be repealed.

Timetable:

Action	Date	FR Cite
ANPR	02/01/89	54 FR 5090
NPRM	06/06/89	54 FR 24191
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202 326-3029

RIN: 3084–AA37

FEDERAL TRADE COMMISSION (FTC)

Completed Actions

3984. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Legal Deadline: None

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/84	49 FR 48059
NPRM	10/24/85	50 FR 43224
Commission Decision to Amend the Rule	04/21/88	
Final Action	08/28/89	54 FR 35456
Final Action Effective	08/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. On April 21, 1988, the Commission decided to modify the rule so that a store could comply by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. On August 28, 1989, the final rule, as amended, became effective.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3319

RIN: 3084–AA17

[FR Doc. 89-22491 Filed 10-27-89; 8:45 am]

BILLING CODE 6750-01-T

Federal Register

Monday
October 30, 1989

Part LV

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 17)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 89-12, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive order concerning Regulatory Agendas, the Commission is publishing an agenda of: (1) Current and projected rulemakings and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in October 1989. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal Government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: August 4, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

3985. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AA13

3986. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB35

ICC

Prerule Stage

3987. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM Comment Period End	07/02/87	52 FR 20632
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB50

3988. AMENDMENTS TO RAIL CARRIER COST RECOVERY TARIFFS, EX PARTE NO. 290 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: The Commission is considering whether its regulations should be revised by changing the regulations governing the form and volume of supplemental matter to rail carrier cost recovery tariffs filed pursuant to Ex Parte No. 290 (Sub-No. 2), Railroad Cost Recovery Procedures. Present regulations provide that such tariffs be published with expiration dates and they may be maintained without regard to the amount of supplemental matter in effect. Informal criticisms have been received by the Commission which indicate that the tariffs have become extremely cumbersome to follow and apply. In view of these criticisms, the Commission is concerned that the tariffs are not being published in a manner which is consistent with the public interest. Comments dealing with problems encountered by users of the rail carrier cost recovery tariffs are sought as well as suggestions for rule changes.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31720
ANPRM Comment Period End	11/07/88	53 FR 40922
Comments under review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence C. Herzig, Chief, Section of Rates and Informal Cases, Interstate Commerce Commission, 12th and Constitution Ave., NW, Room 4310, Washington, DC 20423, 202 275-7358

RIN: 3120–AB56

INTERSTATE COMMERCE COMMISSION (ICC)

Proposed Rule Stage

3989. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Draft notice of study being prepared	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Ex Parte No. 431 has been held in abeyance pending the development of cost accounting principles by the Railroad Accounting Principles Board. These principles were published on September 1, 1987, and included a recommendation that further research be performed into certain identified subject areas of the Uniform Railroad Costing System before the system is implemented. This is to be done within 18 months of the Board's report.

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120–AA63

3990. ● ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Legal Authority: 49 USC 10321; 49 USC 10708; 49 USC 10761; 49 USC 10762; 5 USC 553

CFR Citation: 49 CFR 1312; 49 CFR 1314

Legal Deadline: None

Abstract: The ICC adopted final regulations which would have allowed electronic tariff filing as an alternative to printed tariffs and established, in lieu of detailed tariff regulations, simple tariff standards governing the construction, filing and maintenance of tariffs containing regulated carriers' rates. Effective date of adopted regulations stayed pending consideration of petition to reopen.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	48 FR 9672
ANPRM Comment Period End	04/26/83	48 FR 18861
NPRM	10/22/87	52 FR 39549
NPRM Comment Period End	02/19/88	53 FR 5022
Final Action	02/10/89	54 FR 6403
Effective Date Stayed	03/13/89	54 FR 10533
Final Action Effective	03/13/89	54 FR 6403
Petition to reopen under review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Although final rules have been adopted in this proceeding their effective date has been stayed pending disposition of a petition to reopen.

Agency Contact: Charles E. Langyher, Chief, Section of Tariffs, Bureau of Traffic, Interstate Commerce Commission, 12th Street & Constitution Avenue, NW., Washington, DC 20423, 202 275-7739

RIN: 3120–AA99

3991. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS MANUFACTURED COMMODITIES, EX PARTE NO. 346 (SUB-NO. 24)

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3900
NPRM Comment Period End	05/16/88	53 FR 9672
Comments under review	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120–AB08

3992. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	07/00/90	
NPRM Comment Period End	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120–AB17

3993. RATE GUIDELINES - NON-COAL PROCEEDINGS, EX PARTE NO. 347 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive non-coal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of proposed policy stmt.	05/22/86	51 FR 18811
Notice of Intent to Participate due	06/02/86	
Comments due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
Comments under internal evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, 12th & Constitution Ave., NW, Washington, DC 20423, 202 275-7627

RIN: 3120–AB41

3994. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal review of comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120–AB43

3995. COST RATIO FOR RECYCLABLES - COMPLIANCE PROCEDURES, EX PARTE NO. 394 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10731; 5 USC 553

CFR Citation: 49 CFR 1134; 49 CFR 1135; 49 CFR 1145

Legal Deadline: None

Abstract: The Commission is proposing rules that will establish procedures by which the Commission annually will (a) announce the revenue-to-variable cost ratio required by 49 USC 10731(e) to apply for the following calendar year; (b) monitor and take necessary action to ensure continued compliance by the railroads with 49 USC 10731(e); and (c) prohibit further rate increases, including those authorized under 49 USC 10707a(a)-(d), on recyclables having revenue/variable cost ratios in excess of the statutory cap level until such rates fall to below the cap level or the statutory cap level increases by Commission order.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/86	51 FR 21780
Extension of time for filing comments on ANPRM; new date: 10/15/86	08/12/86	51 FR 28847
ANPRM Comment Period End	09/15/86	51 FR 21780
NPRM	04/23/87	52 FR 13482
NPRM Comment Period End	07/22/87	52 FR 13482
Notice of Environmental assessment and request for comments	05/06/88	53 FR 16296
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB47

3996. ENVIRONMENTAL DOCUMENTATION IN RAIL PROCEEDINGS, EX PARTE NO. 55 (SUB-NO. 22A)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10903 to 10906; 16 USC 1247(d); 42 USC 4332; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1105

Legal Deadline: None

Abstract: The Commission is considering whether to modify its procedures to increase certain environmental notice periods and the information included in those notices. The modifications would also require service of environmental notices on designated parties, would substitute a revamped environmental notice for the former report requirement, and would reclassify some categories of actions for which environmental analyses are required.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB53

3997. EX PARTE NO. 55 (SUB-NO. 69), RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY -- REVISION OF FORM OP-1

Legal Authority: 5 USC 551(a); 5 USC 553; 5 USC 559; 16 USC 1456; 49 USC 10101; 49 USC 10305; 49 USC 10321; 49 USC 10541; 49 USC 10921; 49 USC 10922; 49 USC 10923; 49 USC 10924; 49 USC 10928; 49 USC 10931; 49 USC 11102

CFR Citation: 49 CFR 1003; 49 CFR 1160; 49 CFR 1162; 49 CFR 1168

Legal Deadline: None

Abstract: The Commission proposes to revise significantly the general licensing application form (Form OP-1) and to make corresponding revisions in its regulations governing licensing procedures at 49 CFR 1160, 1162, and 1168 and the list of forms at 49 CFR 1003. The proposed OP-1 replacement form would integrate the information presently required in and supersede: (1) the existing Form OP-1 used by applicants for motor and water carrier, property broker, and household goods freight forwarder authority; and (2) Form OCCA-95 used by applicants for temporary and emergency temporary authority. The proposed form revisions are intended to simplify and unify the temporary and permanent authority licensing processes, minimize the application filing burdens on applicants and, in turn, create a more efficient application process, both for the public and the Commission.

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	54 FR 20879
Extension of comment period to 06/26/89	06/07/89	54 FR 24364
NPRM Comment Period End	06/14/89	54 FR 20879
Comments under review	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Suzanne O'Malley, Principal Attorney, Motor Section, Interstate Commerce Commission, Room 2353, Washington, DC 20423, 202 275-7292

RIN: 3120–AB57

INTERSTATE COMMERCE COMMISSION (ICC)

Completed Actions

3998. RAIL ABANDONMENTS; USE OF RIGHTS-OF-WAY AS TRAILS; SUPPLEMENTAL TRAILS ACT PROCEDURES, EX PARTE NO. 274 (SUB-NO. 13)

Significance: Agency Priority

CFR Citation: 49 CFR 1152

Completed:

Reason	Date	FR Cite
Final Action	05/30/89	54 FR 22970
Final Action Effective	06/29/89	54 FR 22970

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120–AB45

3999. ● EX PARTE NO. 246 (SUB-NO. 7) REGULATIONS GOVERNING FEES FOR SERVICES PERFORMED IN CONNECTION WITH LICENSING AND RELATED SERVICES -- 1989 UPDATE

Significance: Agency Priority

Legal Authority: 5 USC 552(2)(4)(A); 5 USC 553; 31 USC 9701; 49 USC 10321

CFR Citation: 49 CFR 1002

Legal Deadline: None

Abstract: In this proceeding the Commission adopted its 1989 User Fee Update.

Timetable:

Action	Date	FR Cite
NPRM	06/12/89	54 FR 24915
NPRM Comment Period End	07/12/89	
Final Action	08/31/89	54 FR 36029
Final Action Effective	09/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kathleen M. King, Assistant Secretary, Interstate Commerce Commission, Office of the Secretary, 12th & Constitution Avenue, NW., Washington, DC 20428, 202 275-7428

RIN: 3120–AB58

[FR Doc. 89-19912 Filed 10-27-89; 8:45 am]

BILLING CODE 7035-01-T

Federal Register

Monday
October 30, 1989

Part LVI

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of July 31, 1989. NCUA will also include this agenda in the "Unified Agenda of Federal Regulations."

DATES: This information is current as of July 31, 1989.

ADDRESS: National Credit Union Administration, 1776 G Street NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing, at the above address or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The agenda is divided into four parts: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions. Interpretive Rulings and Policy Statements (IRPS) promulgated by NCUA are also included in the agenda.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ("Developing and Reviewing Government Regulations," 52 FR 35231, September 18, 1987). Executive Order No. 12291 does not require independent executive agencies such as NCUA to publish a regulatory agenda, but NCUA has voluntarily decided to do so by including this agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations."

Approved by the NCUA Board on August 21, 1989.

Becky Baker,

Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4000	Share, Share Draft and Share Certificate Accounts	3133-AA82
4001	Investment and Deposit Activities	3133-AA87

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4002	Management Interlocks	3133-AA19
4003	Loan Participation	3133-AA49
4004	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
4005	Records Preservation Programs	3133-AA56
4006	Credit Union Service Contracts	3133-AA95
4007	Retirement Benefits for Employees of Federal Credit Unions	3133-AA96
4008	Loans to Members and Lines of Credit to Members	3133-AB00
4009	Designation of Low-Income Status	3133-AB03

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4010	Full and Fair Disclosure	3133-AA12
4011	Nondiscrimination Requirements	3133-AA17
4012	Mergers of Federally Insured Credit Unions: Voluntary Termination or Conversion of Insurance Status	3133-AA59
4013	Employee Responsibility and Conduct	3133-AA64
4014	Loans to Members and Lines of Credit to Members	3133-AA88

NCUA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4015	FCU Ownership of Fixed Assets	3133-AA06
4016	Treasury Tax and Loan Accounts	3133-AA16
4017	Other Applications	3133-AA44
4018	Definitions	3133-AA47
4019	Federal Credit Unions Acting as Depositaries and Financial Agents of the Government	3133-AA53
4020	Liquidation Priorities and Adjudication of Claims	3133-AA84
4021	Federal Credit Union Field of Membership and Chartering Policy	3133-AA89
4022	Description of Office; Disclosure of Official Records; Availability of Information and other Applications	3133-AA98
4023	Organization and Operations of Federal Credit Unions; Fidelity Bond and Insurance Coverage for Federal Credit Unions	3133-AA99
4024	Organization and Operation of Federal Credit Unions	3133-AB01
4025	Loans to Members and Line of Credit to Members; Investment and Deposit Activities	3133-AB02

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Prerule Stage

4000. SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1752; 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.35

Legal Deadline: None

Abstract: An FCU's payment of dividends on share, share draft and share certificate accounts is limited to available earnings and cannot be guaranteed in advance. Staff is considering whether a statement to this effect should be included in NCUA's share account regulation, in light of problems which NCUA has encountered with certain liquidated credit unions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA82

4001. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757; 12 USC 1766

CFR Citation: 12 CFR 703

Legal Deadline: None

Abstract: NCUA staff is undertaking a comprehensive review of FCU investment authority in light of changes in the marketplace, e.g., increased availability of mutual funds geared primarily toward FCU's new instruments based on permissible FCU investments, new investment structures, statutory expansions of FCU investment authority.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA87

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Proposed Rule Stage

4002. MANAGEMENT INTERLOCKS

Legal Authority: 12 USC 3201

CFR Citation: 12 CFR 711

Legal Deadline: None

Abstract: This part implements the provisions of the Depository Institution Management Interlocks Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41614
ANPRM Comment Period End	01/23/89	53 FR 41614
NPRM	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA19

NCUA

Proposed Rule Stage

4003. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None

Abstract: This section sets forth definitions and requirements for Federal credit unions wishing to participate in making loans with other credit unions, credit organizations, or financial organizations. The regulation will be reviewed to determine what changes are needed in this area and how the regulation can be simplified and clarified.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA49

4004. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: This section sets forth definitions and requirements for Federal credit unions that wish to purchase, sell, or pledge a loan or group of loans. This section will be reviewed to determine whether any changes are necessary.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA50

4005. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None

Abstract: This part mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. Staff is reviewing this part to determine whether it can be deleted, updated, or simplified.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-6930**

RIN: 3133–AA56

4006. CREDIT UNION SERVICE CONTRACTS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.26

Legal Deadline: None

Abstract: This section authorizes, subject to certain requirements, an FCU to enter into a contractual agreement with one or more credit unions or other organizations for the purpose of sharing, utilizing, renting, leasing, purchasing, selling, and/or joint ownership of fixed assets, or engaging in activities and/or services relating to the daily operations of credit unions. Staff will review this section to determine if it needs to be clarified or otherwise amended.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA95

4007. RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1761b

CFR Citation: 12 CFR 701.19; 12 CFR 701.24

Legal Deadline: None

Abstract: Section 701.19 sets forth an FCU's authority to provide retirement benefits to employees and officers. Section 724 describes when an FCU can act as a trustee or custodian of pension plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA96

4008. ● LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS

Legal Authority: 12 USC 1752; 12 USC 1757(6); 12 USC 1766; 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 701.21(g)

Legal Deadline: None

Abstract: Staff is reviewing this section to determine if FCU's should be required to use standard mortgage loan documents and loan qualification standards. Standard documentation would enable rapid sale of such long-term mortgage loans in the secondary mortgage markets.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	

Small Entities Affected: Undetermined

NCUA

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: Michael McKenna, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AB00

4009. ● DESIGNATION OF LOW-INCOME STATUS

Significance: Agency Priority

Legal Authority: 12 USC 1752; 12 USC 1757(6); 12 USC 1766; 12 USC 1781; 12 USC 1789; PL 97-35, 95 Stat. 498; PL 99-609

CFR Citation: 12 CFR 700.1; 12 CFR 701.32; 12 CFR 705.3; 12 CFR 741.5

Legal Deadline: None

Abstract: The purposes of the proposed amendment are: (1) to clarify that a Federal credit union must receive a designation from NCUA to act in the capacity of a low-income credit union; (2) to establish procedures for granting and revoking the designation of a low-income credit union; and (3) to establish that a federally insured State-chartered credit union must receive a low-income credit union designation from its State regulator with the concurrence of NCUA.

Timetable:

Action	Date	FR Cite
NPRM	07/27/89	54 FR 31198
NPRM Comment Period End	10/25/89	54 FR 31198
Final Action	02/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Hattie M. Ulan, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AB03

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Final Rule Stage

4010. FULL AND FAIR DISCLOSURE

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702

Legal Deadline: None

Abstract: This proposed rule suggested some changes to the definition of risk assets. Such a change would adjust federal-insured credit unions' reserve requirements.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38771
ANPRM Comment Period End	02/05/88	
NPRM	05/22/89	54 FR 21963
NPRM Comment Period End	08/21/89	54 FR 21963
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Riley, Director, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9640

RIN: 3133–AA12

4011. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None

Abstract: This action sets forth prohibitions against discrimination by FCU's in making real estate-related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41609
ANPRM Comment Period End	01/23/89	53 FR 41609
NPRM	05/22/89	54 FR 21963
NPRM Comment Period End	08/21/89	54 FR 21963
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA17

4012. ● MERGERS OF FEDERALLY INSURED CREDIT UNIONS: VOLUNTARY TERMINATION OR CONVERSION OF INSURANCE STATUS

Significance: Agency Priority

Legal Authority: 12 USC 1766; 12 USC 1785; 12 USC 1786; 12 USC 1789

CFR Citation: 12 CFR 708.301; 12 CFR 708.302

Legal Deadline: None

Abstract: This proposed rule will add "approval" and "disapproval" boxes to the ballots used for membership voting on termination of Federal insurance or conversion from Federal insurance to non-Federal insurance.

Timetable:

Action	Date	FR Cite
NPRM	05/22/89	54 FR 21968
NPRM Comment Period End	08/21/89	54 FR 21968
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AA59

4013. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 796

Legal Deadline: None

Abstract: This regulation sets forth the rules governing NCUA employees. The rule does not affect credit unions.

NCUA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	53 FR 42955
Final Action	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The NCUA Board approved a final rule that was submitted to the Office of Government Ethics, OPM, for approval, in June 1988. The rule was reviewed by OPM and recommended changes have been made. In April 1989, the Board adopted a final package, designated as Part 796, as agency policy and guidelines. The package will not become a final rule until after OPM adopts its own new rules and approves Part 796 as a final regulation.

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA64

4014. LOANS TO MEMBERS AND LINES OF CREDIT TO MEMBERS

Legal Authority: 12 USC 1766; PL 100-86; 12 USC 1757

CFR Citation: 12 CFR 701.21(f)

Legal Deadline: None

Abstract: Amendments by Competitive Equality Banking Act of 1987 permit the NCUA Board to increase the present maturity limit on second mortgage, mobile home and home improvement loans.

Timetable:

Action	Date	FR Cite
ANPRM	10/25/88	53 FR 42953
ANPRM Comment Period End	01/23/89	53 FR 42953
NPRM	05/22/89	54 FR 21967
NPRM Comment Period End	08/21/89	54 FR 21967
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA88

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Completed Actions

4015. FCU OWNERSHIP OF FIXED ASSETS

Legal Authority: 12 USC 1757(4); 12 USC 1766

CFR Citation: 12 CFR 701.36

Legal Deadline: None

Abstract: This section sets forth limitations on an FCU's ownership of fixed assets. The proposed rule clarifies and simplifies the regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42953
NPRM Comment Period End	01/23/89	53 FR 42953
Final Action	05/01/89	54 FR 18466
Final Action Effective	05/01/89	54 FR 18466

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tim Hornbrook, Director of Supervision, National Credit Union Administration, Office of Examination & Insurance, 1776 G Street, NW, Washington, DC 20456, **202 682-9640**

RIN: 3133–AA06

4016. TREASURY TAX AND LOAN ACCOUNTS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37; 12 CFR 701.37-1

Legal Deadline: None

Abstract: Sections 701.37-1 and 701.37-2 set forth the authority for and requirements of FCU's when serving as Treasury tax and loan depositaries, and depositaries of public funds and financial agents of the United States Government. The final amendment has combined these two sections into one.

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41611
NPRM Comment Period End	01/23/89	53 FR 41611
Final Action	05/01/89	54 FR 18470
Final Action Effective	05/01/89	54 FR 18470

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA16

4017. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Legal Deadline: None

Abstract: This section specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections of the NCUA Regulations, are to be presented to the Agency. This section has been removed and the subject matter incorporated into Part 790.

Timetable:

Action	Date	FR Cite
NPRM	12/11/87	52 FR 47014
NPRM Comment Period End	02/09/88	52 FR 47014
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	
Final Action	05/01/89	54 FR 18473
Final Action Effective	05/01/89	54 FR 18473

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie Ulan, Assistant General Counsel, National Credit Union Administration, Office of General

Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA44

4018. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Legal Deadline: None

Abstract: This section sets forth basic definitions applicable in all NCUA regulations.

Timetable:

Action	Date	FR Cite
Withdrawn	07/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA47

4019. FEDERAL CREDIT UNIONS ACTING AS DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37

Legal Deadline: None

Abstract: Sections 701.37-1 and 701.37-2 set forth the authority for and requirements of FCU's when serving as Treasury tax and loan depositaries, and depositaries of public funds and financial agents of the United States Government. The final amendment has combined these two sections into one.

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41611
NPRM Comment Period End	01/23/89	53 FR 41611
Final Action	05/01/89	54 FR 18470
Final Action Effective	05/01/89	54 FR 18470

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-6930

RIN: 3133–AA53

4020. LIQUIDATION PRIORITIES AND ADJUDICATION OF CLAIMS

Legal Authority: 12 USC 1787

CFR Citation: None

Legal Deadline: None

Abstract: Staff is studying two liquidation issues: priority of payout and the administrative procedure for adjudicating creditor claims.

Timetable:

Action	Date	FR Cite
Withdrawn No action taken	07/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA84

4021. FEDERAL CREDIT UNION FIELD OF MEMBERSHIP AND CHARTERING POLICY

Legal Authority: 12 USC 1752; 12 USC 1753; 12 USC 1759

CFR Citation: 12 CFR 701.1

Legal Deadline: None

Abstract: The NCUA Board conducted a comprehensive review of its policies on chartering new Federal credit unions and expansions of existing Federal credit unions to ensure NCUA policy is implemented fairly and consistently. Interpretive Ruling and Policy Statement ("IRPS") 89-1 will replace all prior NCUA IRPS, manuals and statements on this subject. Section 701.1 of the NCUA's Rules and Regulations (12 CFR 701.1) also was amended to reference IRPS 89-1.

Timetable:

Action	Date	FR Cite
Begin Review	08/29/87	52 FR 36429
ANPRM	06/17/88	53 FR 22656
ANPRM Comment Period End	08/16/88	
Final Action	07/27/89	54 FR 31165
Final Action Effective	08/28/89	54 FR 31165

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Allen Carver, Regional Director, National Credit Union Administration, Region IV (Chicago), 300 Park Blvd., Suite 155, Itasca, IL 60143, 312 250-6000

RIN: 3133–AA89

4022. DESCRIPTION OF OFFICE; DISCLOSURE OF OFFICIAL RECORDS; AVAILABILITY OF INFORMATION AND OTHER APPLICATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1766; 12 USC 1789; 12 USC 1795f

CFR Citation: 12 CFR 790; 12 CFR 791; 12 CFR 792

Legal Deadline: None

Abstract: This final rule restructures and clarifies NCUA's regulations concerning NCUA internal operations. The three consecutive sections address NCUA structure; Part 791, rules of NCUA Board procedure; and Part 792, information and privacy laws.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	
Final Action	05/01/89	54 FR 18473
Final Action Effective	05/01/89	54 FR 18473

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie Ulan, Assistant General Consel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA98

4023. ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS; FIDELITY BOND AND INSURANCE COVERAGE FOR FEDERAL CREDIT UNIONS

Significance: Agency Priority

Legal Authority: 12 USC 1755 to 1757; 12 USC 1759; 12 USC 1761a to 1761b; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1798

CFR Citation: 12 CFR 701.20(c)

Legal Deadline: None

Abstract: The final amendment requires a provision in FCU surety bonds assuring that the surety company notifies NCUA whenever bond coverage of a credit union is terminated in its entirety, or when it is terminated on an individual employee or official.

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41610
NPRM Comment Period End	01/23/89	
Final Action	05/01/89	54 FR 18468
Final Action Effective	05/01/89	54 FR 18468

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA99

4024. ● ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Significance: Agency Priority

Legal Authority: 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761a; 12 USC 1761b; 12 USC 1766; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1798

CFR Citation: 12 CFR 701.32; 12 CFR 741.5

Legal Deadline: None

Abstract: New section 701.32 requires that FCU's obtain NCUA approval prior to receiving nonmember funds in excess of 20 percent of total shares. A change to section 741.5 of the regulations requires that federally insured, State-chartered credit unions comply with these limitations. Only minor changes have been made to the substantive provisions contained in the interim final rule.

Timetable:

Action	Date	FR Cite
Final Action	07/27/89	54 FR 31182
Final Action Effective	07/27/89	54 FR 31182

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie M. Ulan, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9630

RIN: 3133–AB01

4025. ● LOANS TO MEMBERS AND LINE OF CREDIT TO MEMBERS; INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1755; 12 USC 1756; 12 USC 1757; 12 USC 1759; 12 USC 1761a; 12 USC 1761b; 12 USC 1766; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1798

CFR Citation: 12 CFR 701.21; 12 CFR 703

Legal Deadline: None

Abstract: This final amendment permits FCU's to purchase put options under limited circumstances for the purpose of reducing the risk of loss from interest rate increases on real estate loans.

Timetable:

Action	Date	FR Cite
Final Action	05/01/89	54 FR 18471
Final Action Effective	05/01/89	54 FR 18471

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward P. Dupcak, Director, Department of Risk Management, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456, 202 682-9640

RIN: 3133–AB02

[FR Doc. 89-21758 Filed 10-27-89; 8:45 am]

BILLING CODE 7535-01-T

federal register

Monday
October 30, 1989

Part LVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual regulatory agenda in accordance with Public Law 96-354 "The Regulatory Flexibility Act" and Executive Order 12291 "Federal Regulations." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on April 24, 1989 (54 FR 16440).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to the One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m., Federal workdays. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying at a cost of ten cents per page at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael Lesar, Acting Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 492-7758. Persons outside the Washington, DC, metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on April 24, 1989 (54 FR 16440).

Within each group, the rules are ordered according to the Regulation Identifier Number (RIN).

The information in this agenda has been updated through August 25, 1989. The date under the heading "Timetable," for the next scheduled action, is the date the rule is scheduled to be published in the **Federal Register.** The date is considered tentative and is not binding on the Commission or its staff. This regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The EDO initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources are allocated most effectively to achieve NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda.

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Eight rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 15th day of August 1989.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4026	Night Firing Qualifications for Security Guards at Nuclear Power Plants	3150-AC88
4027	Conduct of Employees; Miscellaneous	3150-AD15

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4028	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
4029	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
4030	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
4031	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
4032	NRC Acquisition Regulation (NRCAR)	3150-AC01
4033	Availability of Official Records	3150-AC07
4034	Disposal of Waste Oil by Incineration from Nuclear Power Plants	3150-AC14
4035	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35
4036	Comprehensive Quality Assurance in Medical Use and a Standard of Care	3150-AC42
4037	Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites	3150-AC56
4038	Basic Quality Assurance Program for Medical Use of Byproduct Material	3150-AC65
4039	Revision of Definition of Meeting	3150-AC78
4040	Twenty-Four Hour Notification of Incidents	3150-AC91
4041	Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE)	3150-AC93
4042	Licensing and Radiation Safety Requirements for Large Irradiators	3150-AC98
4043	Medical Use of Byproduct Material: Training and Experience Criteria	3150-AC99
4044	Amendment of the Pressurized Thermal Shock Rule	3150-AD01
4045	Nuclear Plant License Renewal	3150-AD04
4046	Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987/1988 Addenda)	3150-AD05
4047	Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components	3150-AD10
4048	Clarification of General Physical Protection Requirements	3150-AD16
4049	Stabilization and Decontamination Priority, Trusteeship Provisions, and Amount of Property Insurance Requirements	3150-AD19
4050	Revision of Fee Schedules: Radioisotope Licenses	3150-AD23
4051	Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation	3150-AD26
4052	Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository	3150-AD27
4053	+Credit Checks - Expanded Personnel Security Investigative Coverage	3150-AD28
4054	Day Firing Qualifications and Physical Fitness Programs for Security Personnel at Category I Fuel Cycle Facilities	3150-AD30
4055	Amendments to Part 60 to Delineate Anticipated Processes and Events and Unanticipated Processes and Events	3150-AD31
4056	Emergency Response Data System	3150-AD32
4057	Low-Level Waste Manifest Information and Reporting	3150-AD33
4058	Requirements for Possession of Industrial Devices	3150-AD34

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4059	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
4060	Amendment to 10 CFR 51.51 and 51.52, Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"	3150-AA31
4061	Standards for Protection Against Radiation	3150-AA38
4062	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
4063	Personnel Access Authorization Program	3150-AA90
4064	Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
4065	Safety Requirements for Industrial Radiographic Equipment	3150-AC12
4066	Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)	3150-AC41
4067	Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States	3150-AC57
4068	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs	3150-AC64
4069	Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites	3150-AC76
4070	Debt Collection Procedures	3150-AC87
4071	Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants	3150-AD00
4072	Minor Amendments to Physical Protection Requirements	3150-AD03
4073	Sequestration of Witnesses Interviewed Under Subpoena/Disqualification of Attorneys	3150-AD06
4074	Palladium-103 for the Interstitial Treatment of Cancer	3150-AD11
4075	Informal Hearing Procedures for Nuclear Reactor Operator Licensing Adjudications	3150-AD17
4076	Statement of Organization and General Information; Minor Amendments	3150-AD18
4077	Export of Heavy Water to Canada	3150-AD20
4078	Preserving the Free Flow of Information to the Commission	3150-AD21

NRC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4079	Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
4080	Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
4081	Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
4082	Disposal of Radioactive Wastes; Part 61 Amendments	3150-AB89
4083	NEPA Review Procedures for Geologic Repositories for High-Level Waste	3150-AC04
4084	Issuance or Amendment of Power Reactor License or Permit Following Initial Decision	3150-AC15
4085	Rules of Practice for Domestic Licensing Proceedings--Procedural Changes in Hearing Process	3150-AC22
4086	Education and Experience Requirements for Senior Reactor Operators and Supervisors at Nuclear Power Plants	3150-AC26
4087	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors	3150-AC61
4088	Regulation of Uranium Enrichment Facilities	3150-AC71
4089	Flow Control Conditions for the Standby Liquid Control System in Boiling Water Reactors	3150-AC72
4090	Fitness For Duty Program	3150-AC81
4091	Licensee Action During National Security Emergency	3150-AC83
4092	Extension of Time for the Implementation of the Decontamination Priority and Relationship Provisions of Property Insurance Requirements	3150-AC94
4093	Rule on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste	3150-AD02
4094	Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments Necessitated by Changes in the Price-Anderson Act	3150-AD08
4095	Access to Safeguards Information	3150-AD12
4096	Indemnification of Licensees that Manufacture, Produce, Possess or Use Radiopharmaceuticals or Radioisotopes for Medical Purposes	3150-AD13
4097	Freedom of Information Act; Appeal Authority for Deputy Executive Director for Operations	3150-AD14
4098	Manner of Service of Pleadings Upon the Secretary of the Commission	3150-AD22
4099	Access Authorization Fee Schedule for Licensee Personnel and Implementation of SF-312	3150-AD24
4100	Advisory Committees; Policies and Procedures	3150-AD25
4101	Duplication Fees	3150-AD29

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

4026. NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The rulemaking would ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The rule would change that by requiring that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The amendment will standardize training and qualification in night firing and prepare power reactor guard forces to more effectively respond in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: require minor licensing, inspection and other regulatory actions. There is no occupational exposure. It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking.

Agency Contact: Dr. Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC88

4027. ● CONDUCT OF EMPLOYEES; MISCELLANEOUS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000

Legal Deadline: None

Abstract: The rule would clarify and correct typographical errors in 10 CFR Part 0 concerning acts affecting a personal financial interest; confidential statement of employment and financial interests; and restriction against ownership of certain security interests

NRC Prerule Stage

by Commissioners, certain staff members, and other related personnel.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karla Smith, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1606**

RIN: 3150–AD15

NUCLEAR REGULATORY COMMISSION (NRC) Proposed Rule Stage

4028. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Legal Deadline: None

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e), both of which require the reporting of safety defects by licensees. In addition, Part 21 requires reporting by non-licensees. This proposed amendment was prompted by TMI Action Plan Task II, J.4, and NRC staff experience with Part 21 and section 50.55 (e) reporting. The main objectives of the rulemaking effort are: (1) elimination of duplicate evaluation and reporting of safety defects; (2) consistent threshold for safety defect reporting in Part 21 and section 50.55(e); (3) establishment of consistent and uniform content of reporting under Part 21 and section 50.55 (e) and (4) establishment of consistent time limits for reporting defects.

Approximately 300 reports are submitted to the Commission annually under Part 21. Approximately 900 reports are submitted to the Commission annually under section 50.55 (e). These reports identify both plant-specific and generic safety defects for further NRC regulatory action. Under current rules, these reports have formed the basis for NRC issuance of numerous NRC generic communications. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44594
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Alternatives to this rulemaking approach which were considered, varied from establishment of a single rule for all reporting of safety defects and operating reactors events to maintaining status quo for defect reporting. All alternatives were rejected since they would not substantially improve the current safety defect reporting situation.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $6.67 million annually for industry and $670,000 annually for NRC evaluations. It is anticipated that the annual industry reporting burden should be reduced by approximately $1.0 million; while NRC burden should remain the same. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for reporting and record keeping.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of Operational Data, Washington, DC 20555, **301 492-4442**

RIN: 3150–AA68

4029. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would revise the criteria for an extraordinary nuclear occurrence (ENO) to eliminate the problems encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do, is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

It is estimated that approximately 1.0 staff year of NRC time will be required to process the final rule.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3640**

RIN: 3150–AB01

4030. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 05 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by

comprehensively restating the current practice, and revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings. During his tenure, Chairman Zech requested re-submission of this proposed rule for possible re-consideration by the Nuclear Regulatory Commission. The Commission had deferred further consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings under 10 CFR Part 110.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Sebastian Aloot, Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7787

RIN: 3150–AB66

4031. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would clarify in the Commission's regulations the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues. Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, there is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two year period. The manpower and time frame will depend on Commission guidance received on the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR Chapter I. The timetable for this rule is on hold based on a decision by the Commission.

Agency Contact: Jerry N. Wilson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3729

RIN: 3150–AB88

4032. NRC ACQUISITION REGULATION (NRCAR)

Legal Authority: 42 USC 2201; 42 USC 5841; 41 USC 401

CFR Citation: 48 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish provisions unique to the NRC concerning the acquisition of goods and services. The NRC Acquisition Regulation is necessary to implement and supplement the government-wide Federal Acquisition Regulation. This action is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRC Acquisition Regulation implements the Federal Acquisition Regulation within the agency and includes additional policies, procedures, solicitation provisions, or contract clauses needed to meet specific NRC needs.

Timetable:

Action	Date	FR Cite
NPRM	10/02/89	54 FR 40420

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Ronald D. Thompson, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-8770

RIN: 3150–AC01

4033. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw, pursuant to 10 CFR 2.790(c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes microfiche of such submittals and insures that these (con't)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: fiche are distributed to the PDR, LPDRs, all appropriate internal offices, and to the National Technical Information Service Center. This broad distribution and reproduction is made to satisfy the congressional mandate of Section 142(b) of the Atomic Energy Act by increased public understanding of the peaceful uses of atomic energy. Accordingly, copyright owners are on notice that their act of submitting such works to the agency will be considered as the granting to the NRC an implied license to reproduce and distribute according to normal agency practice. Naturally, this notice does not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. The key factor is that it is their proprietary information status that exempts them from public disclosure and not their copyright designation. Lastly, this implied license is not applicable to fair use of copyrighted works or the incorporation by reference of copyrighted works in agency submittals.

Agency Contact: Catherine Holzle, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1560**

RIN: 3150–AC07

4034. DISPOSAL OF WASTE OIL BY INCINERATION FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule, which is being initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are more cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. There would be an estimated industry-wide economic savings of approximately $3 million to $12 million per year if such a rule were promulgated. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32914
NPRM Comment Period End	10/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis. It is estimated that approximately 1-2 person years of NRC staff time will be required to process this rule.

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3638**

RIN: 3150–AC14

4035. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) sought comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive.

The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (Pub. L. 99-240). The public was asked to comment on 14 questions. The ANPRM requested public comment on several alternative approaches that the NRC could take. The evaluation of public comment together with the results from a proposed research contract will help to determine whether and how NRC should proceed on the matter. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment Period End	03/02/87	51 FR 43367

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

The action on this rule is dependent on the issuance of broad Commission policy statement on exemptions from regulatory control.

Agency Contact: William Lahs, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3774**

RIN: 3150–AC35

4036. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations governing the medical use of byproduct material to require a comprehensive quality assurance program for medical licensees using byproduct materials. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration. An ANPRM was published to request public comment on the extent to which in addition to the basic quality assurance steps (being addressed by another rulemaking action, entitled "Basic Quality Assurance for Medical Use of byproduct Material") a more comprehensive quality assurance requirement is needed, and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/87	52 FR 36949
ANPRM Comment Period End	12/31/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC42

4037. CRITERIA FOR LICENSING THE CUSTODY AND LONG-TERM CARE OF URANIUM MILL TAILINGS SITES

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking would amend 10 CFR Part 40 to include a procedure for licensing a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1987 (UMTRCA). This amendment would establish a general license for custody and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the DOE determination that the site has been properly reclaimed or closed and (2) a Surveillance and Maintenance Plan that meets the requirements of the license has been received by NRC. No significant impact to the public or industry is expected as a result of this proposed action.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/88	53 FR 32396
ANPRM Comment Period End	10/24/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3877**

RIN: 3150–AC56

4038. BASIC QUALITY ASSURANCE PROGRAM FOR MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the medical use of byproduct material. The proposed amendments would require its medical licensees to establish and implement a written basic quality assurance program to prevent, detect, and correct the cause of errors in the administration of byproduct material. The proposed action is necessary to provide for improved patient safety. The proposed amendment, which is intended to reduce the potential for and severity of therapy misadministrations, would primarily affect hospitals, clinics, and individual physicians. The proposed rule would also modify reporting and recordkeeping requirements for diagnostic and therapy events.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	52 FR 36942
NPRM Comment Period End	12/01/87	52 FR 36942

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC65

4039. REVISION OF DEFINITION OF MEETING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

Abstract: The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889), and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AC78

4040. TWENTY-FOUR HOUR NOTIFICATION OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: This rulemaking would amend 10 CFR Part 20.403(a) and (b) to clarify the licensees' reporting requirements. While 10 CFR 20.403(a) and (b) are reasonably clear in terms of licensee reporting requirements for events involving "exposures" and "releases" of radioactive materials, these sections are not clear concerning events involving "loss of operation" and "damage to property." "Loss of operation" should be clarified in terms of loss of use of facilities, devices or equipment. "Damage to property" should be clarified to include contamination clean-up if the corrective action is equal to or greater than a certain cost. In addition, the rulemaking should also define "immediate" in actual time, e.g., within 1 hour, for reporting requirements.

This rulemaking action will clarify a current Commission regulation; there is no other appropriate procedure to accommodate the clarification.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The health and safety of the public will be better protected because improved reporting requirements will reduce the potential risk of exposure to radiation. Clarifying the reporting requirements will also simplify regulatory functions and free the staff from unnecessary additional investigation and, at the same time, protect the industry from unnecessary and unexpected fines.

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3795**

RIN: 3150–AC91

4041. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, SECTION XI, DIVISION 1, SUBSECTION IWE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Subsection IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments, and of metallic shell and penetration liners of Class CC pressure retaining components and their integral attachments in light-water cooled power plants.

Incorporation by reference of Subsection IWE will provide systematic examination rules for containment structure for meeting Criterion 53 of the General Design Criteria (Appendix A of 10 CFR Part 50) and Appendix J of 10 CFR Part 50. Age-related degradation of containments has occurred, and additional and potentially more serious degradation mechanisms can be anticipated as nuclear power plants age. (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: If the NRC did not take action to endorse the Subsection IWE rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination requirements into the American National Standard ANSI/ANS 56.8-1981 or into Appendix J are not feasible.

Incorporating by reference the latest edition and addenda of Subsection IWE will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Adoption of the proposed amendment would permit the use of improved methods for containment inservice inspection.

Agency Contact: Wallace E. Norris, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3805**

RIN: 3150–AC93

4042. LICENSING AND RADIATION SAFETY REQUIREMENTS FOR LARGE IRRADIATORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 036

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is developing regulations to specify radiation safety requirements and license requirements for the use of licensed radioactive materials in large irradiators. Irradiators use gamma radiation to irradiate products to change their characteristics in some way. The requirements would apply to large panoramic irradiators (those in which the radioactive sources and the material being irradiated are in a room that is accessible to personnel while the source is shielded) and certain large self-contained irradiators in which the source always remains under water. The rule would not cover small self-contained irradiators, instrument calibrators, medical uses of sealed sources (such as teletherapy), or non-destructive testing (such as industrial radiography).

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators. Development of the rule will require 2 staff-years.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3757

RIN: 3150–AC98

4043. MEDICAL USE OF BYPRODUCT MATERIAL: TRAINING AND EXPERIENCE CRITERIA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) would amend the Commission's regulations concerning training and experience criteria for individuals involved in medical use of byproduct material. Rulemaking may be needed to reduce the chance of misadministrations. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The NRC is not able to project costs or benefits at this time, and has requested cost/benefit comments in an ANPRM published May 25, 1988. The NRC has hired a contractor to study training, accreditation and certification programs that are now in place. The NRC staff will analyze the study results, due in November 1989, and the comments received to determine whether regulatory action is necessary.

Timetable:

Action	Date	FR Cite
ANPRM	05/25/88	53 FR 18845
ANPRM Comment Period End	08/24/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Terry A. Johnson, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, 301 492-0635

RIN: 3150–AC99

4044. AMENDMENT OF THE PRESSURIZED THERMAL SHOCK RULE

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule revises the Pressurized Thermal Shock (PTS) rule, published on July 23, 1985, which established a screening criterion, a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant-specific analysis. The PTS rule prescribed how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The proposed amendment revises the calculative procedures to be consistent with that given in Revision 2 of Regulatory Guide 1.99. This guide, which was published in final form on June 8, 1988, provides an updated correlation of embrittlement data.

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-copper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWR's will reach the screening criterion sooner than previously thought, and three plants will need to make plant-specific analyses in the next 10 years. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Abstract Cont.

An unacceptable alternative to this amendment from the safety standpoint is to leave the present PTS rule in place. A plant-by- plant analysis by the NRC staff found four plants whose reference temperatures are 52 to 68 degrees F higher than previously thought, based on the present rule. This is beyond the uncertainties that were felt to exist when the proposed rule was published. Another unacceptable alternative that has been evaluated is to change the calculative procedure for the reference temperature and also change the screening criterion. Failure probabilities for the most critical accident scenarios in three plants, when recalculated using the new embrittlement estimates, were somewhat lower, but were quite dependent on the plant configuration and the scenario chosen. Furthermore, the screening criterion was based on a variety of considerations besides the probabilistic analysis. Reopening the question of where to set the screening criterion was not considered productive because of plant-to-plant differences.

Agency Contact: Pryor N. Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3842

RIN: 3150–AD01

4045. NUCLEAR PLANT LICENSE RENEWAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule is scheduled for completion prior to the anticipated submittal of license renewal applications for Yankee Rowe and Monticello. The rule will provide the basis for development and review of these two "lead plant" applicants and the concurrent development of implementing regulatory guidance. Timely completion of the rule is critical for establishing standards for continued safe operation of power reactors during the license renewal term and providing the regulatory stability desired by utilities in determining whether to prepare for license renewal or pursue alternative sources of generating capacity.

License renewal rulemaking to provide regulatory requirements for extending nuclear power plant licenses beyond 40 years was initiated in response to the Commission's 1986 and 1987 policy and planning guidance. Current regulatory

provisions permit license renewal but do not provide requirements for the form and content of a license renewal application nor the standards of acceptability against which the application will be reviewed.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/88	53 FR 32919
ANPRM Comment Period End	10/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donald Cleary, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3936

RIN: 3150–AD04

4046. CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, 1986/1987/1988 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference the 1986 Addenda, the 1987 Addenda, the 1988 Addenda, and the 1989 Edition of Section III, Division 1, and Section XI, Division 1, with a specified modification, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Also, the proposed amendment would impose augmented examination of reactor vessel shell welds and would separate the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph. The ASME Code provides rules for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division I.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Abstract Cont. applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff could review any single submission. In addition, the proposed rule would require expeditious implementation of the expanded reactor vessel shell weld examinations provided in the 1988 Addenda and the 1989 Edition of Section XI and would clarify the existing requirements in the regulation for inservice inspection and inservice testing.

This action will be handled as a routine updating of 10 CFR 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action. The proposed amendment will be issued for public comment. The task to develop and publish the proposed amendment is scheduled for a period of 7.5 months with an estimated staff effort of 400 p-hrs.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3848

RIN: 3150–AD05

4047. ACCEPTANCE OF PRODUCTS PURCHASED FOR USE IN NUCLEAR POWER PLANT STRUCTURES, SYSTEMS, AND COMPONENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is proposing to develop regulations requiring enhanced receipt inspection and testing of products purchased for use in nuclear power plant structures, systems, and components. These regulations are believed to be necessary to provide an acceptable level of assurance that products purchased for use in nuclear power plants will perform as expected to protect the public health and safety. An Advance Notice of Proposed Rulemaking (ANPRM) was published to solicit public comments on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements.

Timetable:

Action	Date	FR Cite
ANPRM	03/06/89	54 FR 9229
ANPRM Comment Period End	07/05/89	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Max J. Clausen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-0969

RIN: 3150–AD10

4048. ● CLARIFICATION OF GENERAL PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the regulations regarding general physical protection for fixed sites to clarify the intent that physical protection against sabotage or theft, or both, must be provided only as required by specific sections of 10 CFR Part 73 which apply to designated classes of facilities or material. This action is necessary because the Atomic Safety and Licensing Board, in a recent ruling issued an interpretation of this provision which is different from the Commission's intent and application.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office

of Nuclear Material Safety and Safeguards, **301 492-0358**

RIN: 3150–AD16

4049. ● STABILIZATION AND DECONTAMINATION PRIORITY, TRUSTEESHIP PROVISIONS, AND AMOUNT OF PROPERTY INSURANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations on property insurance as they apply to commercial power reactor licensees. The proposed rule, which is in response to three petitions for rulemaking, would (1) clarify the scope and timing of the stabilization and decontamination processes after an accident at a covered reactor; (2) specify that the insurance is required to ensure that commercial power reactor licensees will have sufficient funds to carry out their obligations to clean up and decontaminate after an accident; (3) eliminate the requirement that insurance proceeds after an accident are paid to an independent trustee; and (4) solicit comments on appropriate level of required insurance in view of inflation of decontamination and clean up costs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert Woods, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1960**

RIN: 3150–AD19

4050. ● REVISION OF FEE SCHEDULES: RADIOISOTOPE LICENSES

Legal Authority: 31 USC 9701; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing licensing and inspection fees for radioisotope licenses (small programs licensed under the provisions of 10 CFR parts 30, 40, and 70). The revised schedule of fees that would more completely recover the costs incurred by the Commission in providing services to identifiable recipients. The proposed rule would update the schedule of fees for small byproduct material applications for decommissioning, change the cost per professional staff hour for NRC services based on the FY 1990 budget, delete certain exemption provisions and clarify others for ease of administration, add a new exemption to provide that Indian tribes and Indian organizations will be exempt from the payment of fees, and fund transfer in accordance with U.S. Department of the Treasury cash management initiatives.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lee Hiller, Nuclear Regulatory Commission, Office of the Controller, Washington, DC 20555, **301 492-7351**

RIN: 3150–AD23

4051. ● CONSIDERATION OF ENVIRONMENTAL IMPACTS OF TEMPORARY STORAGE OF SPENT FUEL AFTER CESSATION OF REACTOR OPERATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 051

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by revising the generic determination concerning the timing of availability of a geologic repository for commercial high-level radioactive waste and spent fuel and the environmental impacts of storage of spent fuel at reactor sites after the expiration of reactor operating licenses. These proposed revisions reflect proposed findings of the Commission reached in a five-year update and supplement to its 1984 "Waste Confidence" rulemaking proceeding.

Timetable:

Action	Date	FR Cite
NPRM	09/28/89	54 FR 39765

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1637**

RIN: 3150–AD26

4052. ● PROCEDURES APPLICABLE TO PROCEEDINGS FOR THE ISSUANCE OF LICENSES FOR THE RECEIPT OF HIGH-LEVEL RADIOACTIVE WASTE AT A GEOLOGIC REPOSITORY

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations governing the licensing proceeding on the disposal of high-level radioactive waste at a geologic repository (HLW proceeding). The proposed revisions are intended to facilitate the Commission's ability to comply with the schedule for the Commission's decision on the construction authorization for the repository, while providing for a through technical review of the license application and the equitable treatment of the parties to the hearing. The proposed rule would establish a new standard for the admission of initial contentions, would define "late contentions" as any contention proposed after the initial contentions were submitted, would require parties to present direct testimony on contentions, would establish a compulsory hearing schedule, and would eliminate sua sponte review by the Commission's adjudicatory boards.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39387

Next Action Undetermined

Small Entities Affected: None

NRC

Proposed Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Brad Jones, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1637

RIN: 3150–AD27

4053. ● +CREDIT CHECKS - EXPANDED PERSONNEL SECURITY INVESTIGATIVE COVERAGE

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841; 42 USC 2273

CFR Citation: 10 CFR 011; 10 CFR 025

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require the expansion of the present investigative scope for licensee "R" Special Nuclear Material Access Authorization and "L" security clearance applicants by adding a credit check and would revise the corresponding fee schedule to recover the additional cost of each credit check.

These amendments are necessary for the following reasons: (1) to obtain a higher degree of assurance that licensee "R" and "L" applicants are reliable, trustworthy, and do not have any significant financial problems which may cause them to be susceptible to pressures, blackmail, or coercion to act contrary to the national interest; (2) to achieve greater comparability with the investigation scope for DOE's "L" and Secret clearances; (3) to be consistent with the investigative coverage proposed in the NUMARC guidelines for licensee personnel with unescorted access to protected and vital areas of nuclear power plants; and (4) to recover the additional cost of each credit check. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38863

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Abstract Cont. NRC resources required for processing this rule through final publication are estimated to be 240 staff hours.

Agency Contact: Beth Bradshaw, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-4120

RIN: 3150–AD28

4054. ● DAY FIRING QUALIFICATIONS AND PHYSICAL FITNESS PROGRAMS FOR SECURITY PERSONNEL AT CATEGORY I FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to require that security personnel qualify and requalify annually on specific standardized day firing courses using all assigned weapons. Current regulations require day firing qualification using a national policy course or equivalent for handguns and an NRA or nationally recognized course for semiautomatic weapons. A firing course is specified for shotguns, which is in need of revision. Recent amendments to Part 73 added a requirement for night firing qualification using specific, designated firing courses. To ensure uniformity, the current day firing requirements should be compatible.

Additionally, current regulations specify that security personnel shall have no physical weaknesses that would adversely affect their performance of assigned job duties. However, no regulatory standards exist for assuring that security personnel are physically fit to perform their duties. Requirements for a physical fitness program and fitness standards at Category I fuel cycle facilities for security personnel need to be added to the regulations in order to provide a uniform. (CONT)

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	04/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Abstract Cont. enforceable program. Guidance will be developed to assure that such a program will not, at the same time, endanger the health of those participating in it.

The proposed rule change would amend 10 CFR Part 73, Appendix H, to include day firing qualification courses in each type of required weapon as well as a standardized physical fitness training course and fitness standards for security personnel. Alternatives to the rulemaking would be to allow the status quo to continue. Standardization of day firing courses to be consistent with those established for night firing would be of negligible cost to the 3-4 affected licensees and to the NRC since day firing qualification using a variety of firing courses is already being done. Physical fitness training programs would incur moderate costs to the licensee in the area of personnel time and limited physical fitness equipment. The cost to the NRC would be in the area of licensing and inspection activities. Neither area of rulemaking affects occupational exposure.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3784

RIN: 3150–AD30

4055. ● AMENDMENTS TO PART 60 TO DELINEATE ANTICIPATED PROCESSES AND EVENTS AND UNANTICIPATED PROCESSES AND EVENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 060

Legal Deadline: None

Abstract: In 10 CFR Part 60, licensing requirements for disposal of radioactive wastes in geologic repositories, certain performance requirements for the repository are based on an assumption of the occurrence of anticipated processes and events. The specific meaning and use of this term, and unanticipated processes and events, needs further clarification. This rulemaking would modify the definition of this term in Section 60.2, modify Section 60.113, which describes the use of this term and modify the definition of "geologic setting" in Section 60.2, and modify the use of that term in Section 60.102.

The objective of the rulemaking is to improve the licensing process for the geologic repository program. It would have no adverse effects on the licensee or the public. It is expected that the resources expended by NRC on the rulemaking would be more than offset

by resources saved during the licensing process.

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3810**

RIN: 3150–AD31

4056. ● EMERGENCY RESPONSE DATA SYSTEM

Legal Authority: 42 USC 2131; 42 USC 2133; 42 USC 2134; 42 USC 2135; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5843; 42 USC 5846

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations by requiring the implementation of the NRC-approved Emergency Response Data System (ERDS) at all licensed nuclear power plants. The primary role of the Nuclear Regulatory Commission during an emergency at a licensed nuclear power facility is one of monitoring the licensee to assure that appropriate recommendations are made with respect to necessary offsite actions to protect its role during an emergency, the NRC requires accurate and timely data on four types of parameters: (1) the reactor core and coolant system conditions to assess the extent or likelihood of core damage; (2) the conditions inside the containment building to assess the likelihood of its failure; (3) the radioactivity release rates to assess the immediacy and degree of public danger; and (4) the data from the plant's meteorological tower to assess the distribution of potential or actual impact on the public.

The ERDS is a licensee-activated computer data link between the electronic data systems at licensed nuclear power (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/90	
Final Action	03/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Abstract Cont. facilities and a central computer in the NRC Operations Center. Current experience with voice-only emergency communication link, utilized for data transmission, has demonstrated it to be slow and inaccurate. Simulated site tests of the ERDS concept in emergency planning exercises have demonstrated that ERDS is effective between the NRC Operations Center and affected licensees.

The rule would require that the licensees provide the required hardware and software to transmit the data in a format specified by the NRC. The NRC would require that the licensee activate the ERDS as soon as possible following the declaration of an alert condition. Based on a site survey of 80 percent of licensed facilities, the current estimates of licensee costs are $20K-50K for software and $0-100K for hardware. The current estimated cost to NRC is $2.6 million. The proposed changes to 10 CFR Part 50 will be issued for public comment.

Agency Contact: M. L. Au, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3749**

RIN: 3150–AD32

4057. ● LOW-LEVEL WASTE MANIFEST INFORMATION AND REPORTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 020; 10 CFR 061

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to: (1) augment and improve information contained in manifests accompanying shipments of waste to low-level waste (LLW) disposal facilities licensed under Part 61; (2) require that operators of these disposal facilities store portions of this manifest information in onsite computer recordkeeping systems; and (3) require that operators periodically submit, in an electronic format, reports of shipment manifest information.

To assure safe disposal of LLW, we must understand the mechanisms and rates by which radioactivity can be released from LLW and into the environment. To do this, we must understand the chemical physical, and radiological characteristics of LLW. This task is greatly complicated by the heterogeneous nature of LLW; it exists in a variety of chemical and physical forms and contains roughly 200 different radionuclides in concentrations that can range from a few microcuries to several hundred curies per cubic foot. Each year there are thousands of shipments of LLW disposal sites. (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/90	
Interim Final Rule	05/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Abstract Cont.

Pursuant to Section 20.311, a manifest must accompany each shipment of LLW to a disposal facility. Unfortunately, existing manifests do not describe the waste in detail sufficient to assure compliance with the Part 61 performance objectives. In addition, NRC's regulations do not require that disposal site operators develop and operate computer systems for storage and manipulation of shipment manifests information. We believe that such onsite computer systems are necessary for safe disposal facility operation. We also believe that a national data base is needed which contains information on LLW disposed at all sites.

A rulemaking to upgrade shipment manifests and require disposal site computer recordkeeping systems will assure that technical information on LLW is available and in a form which can be used for performance assessments, technical analyses, and other activities. It is expected that the rulemaking will slightly increase disposal costs.

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office

NRC — Proposed Rule Stage

of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3877

RIN: 3150–AD33

4058. ● REQUIREMENTS FOR POSSESSION OF INDUSTRIAL DEVICES

Legal Authority: 42 USC 2111; 42 USC 2114; 42 USC 2201

CFR Citation: 10 CFR 031

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations for the possession of industrial devices containing byproduct material to require device users to report to the NRC on a periodic basis. The proposed report would indicate that the device is still in use or to whom the device has been transferred. The proposed rule would be the most efficient method, considering the number of general licensees and the number of devices currently in use, for assuring that devices are not improperly transferred or inadvertently discarded. The proposed rule is necessary to avoid unnecessary radiation exposure to the public that may occur when an improperly discarded device is included in a batch of scrap metal for reprocessing. The proposed rule would also avoid the unnecessary expense involved in retrieving the manufactured items fabricated from contaminated metal. The proposed rule would impose a small burden on device users and the NRC.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	
Final Action	05/00/91	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Resarch, Washington, DC 20555, 301 492-3795

RIN: 3150–AD34

NUCLEAR REGULATORY COMMISSION (NRC) — Final Rule Stage

4059. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been substantially justified. This proposed regulation is modeled after rules issued by the Administrative Conference of the United States (ACUS) and have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F. 2d 1366 (D.C. Cir. 1986). This litigation is being evaluated to determine what if any changes may be necessary in the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 revises the EAJA, and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1634

RIN: 3150–AA01

4060. AMENDMENT TO 10 CFR 51.51 AND 51.52, TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The proposed rule amends Section 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed revision of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Circuit) decision of (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983. The proposed rule to provide an explanatory analysis for Table S-3 has been revised to reflect new developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

The staff's estimate is that the completion of a final Table S-3 rule covering the new values for radon-222 and technetium-99 and the revised explanatory analysis will be completed in 1989. A Commission paper presenting the final rulemaking plan and schedule was submitted on August 18, 1986 (SECY 86-242). On September 8, 1986, SECY 86-242 was approved by the Commission.

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3739

RIN: 3150–AA31

4061. STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); International Commission on Radiological Protection (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action, delay for further guidance, and partial revision (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	10/31/86	
Final Action	11/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: of the standards. These were rejected as ignoring scientific advancements, being unresponsive to international and national guidance, and correcting only some of the recognized problems with the present Part 20.

Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving the highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; and providing an understandable health-risk base for protection.

Initial estimates of the cost of implementing the revision is about $33 million for all NRC and Agreement State licensees in the initial year and about $8 million in each subsequent year. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3640

RIN: 3150–AA38

4062. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice that is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and

obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss-of-coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

A detailed analysis of costs, benefits, and occupational exposures is available in the NRC Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3814

RIN: 3150–AA86

4063. PERSONNEL ACCESS AUTHORIZATION PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 073

Legal Deadline: None

Abstract: The Commission has concluded that it is appropriate for each licensee who operates a nuclear power plant to establish an access authorization program to ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and do not pose a threat to commit radiological sabotage. Accordingly, the NRC published a proposed rule on August 1, 1984, which would require an access authorization program at nuclear power plants (42 FR 30726).

An alternative proposal by the Nuclear Utility Management and Resource Committee (NUMARC) was submitted as a public comment on this proposed rule. The alternative proposed a voluntary industry commitment to implement an access authorization program at nuclear power plants based upon industry guidelines. Major provisions of this program include background investigation, psychological evaluation, and behavioral observation.

Timetable:

Action	Date	FR Cite
Proposed Policy Statement Published	03/09/88	53 FR 7534
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

On June 18, 1986, the Commission approved developing a policy statement endorsing industry guidelines as an alternative to the proposed rulemaking. Commitments to adhere to these guidelines would be formalized through amendments to the physical security plans and be subject to inspection and enforcement by NRC.

On March 9, 1988, the NRC published a proposed policy statement endorsing the NUMARC guidelines. In the Federal Register notice, the Commission specifically requested public comments as to whether the access authorization program should be a rule or a policy statement.

On April 19, 1989, the Commission decided to go forward with a final rule which would require all licensees to have an access authorization program and would specify the major attributes of the program. The NRC would also issue a regulatory guide which would endorse, with appropriate exceptions, the applicable industry guidelines, as an acceptable way of complying with the rule.

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3773

RIN: 3150–AA90

4064. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

Abstract: The proposed rule would eliminate several inconsistencies with the EPA standards to be developed for the disposal of HLW in deep geologic repositories. The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of HLW geologic repositories. Section 121(c) of this Act states that the criteria for the licensing of HLW geologic repositories must be consistent with these standards. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff years but will not include contract resources.

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards, is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3810

RIN: 3150–AC03

4065. SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EQUIPMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Legal Deadline: None

Abstract: The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35% of the radiography overexposures are

associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981 (American National Standard N432), it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to take no action at this time, amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other performance standards deemed necessary, and incorporate (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8460
NPRM Comment Period End	08/16/88	53 FR 18096
Final Action	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the consensus standard by reference in the regulations supplemented by such other performance standards as deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed changes are estimated to be a one-time cost of $1,625 per licensee to purchase alarm dosimeters and $850 annually for replacement of devices and alarm dosimeters, annual calibration of dosimeters, and annual maintenance costs. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis, but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3628

RIN: 3150-AC12

4066. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. In addition, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21550
NPRM Comment Period End	03/06/89	53 FR 51289

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, have been issued for public comment. The task will be scheduled over a 2-year interval and will consume 2-3 staff-years of effort, depending on the number and difficulty of conflicts to be resolved.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3784

RIN: 3150-AC41

4067. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ONSITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

Abstract: This rulemaking would establish NRC's sole authority for approving onsite disposal of low-level waste at all NRC licensed reactors and at Part 70 fuel cycle facilities. There is a need to amend 10 CFR 150.15 to authorize one agency (the NRC) to regulate all onsite disposal of low-level waste in order to provide a more comprehensive regulatory review of all onsite waste management activities and to avoid unnecessary duplication of effort. Uniform review by the NRC will provide for greater assurance that the radioactive material will not present a health hazard at a later date after the site is decommissioned.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31880
NPRM Comment Period End	10/21/88	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3764

RIN: 3150-AC57

4068. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 004

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, government wide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations or more than one Federal agency.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
NPRM Comment Period End	05/08/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Edward Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization/Civil Rights, Washington, DC 20555, 301 492-7106

RIN: 3150–AC64

4069. STORAGE OF SPENT NUCLEAR FUEL IN NRC-APPROVED STORAGE CASKS AT NUCLEAR POWER REACTOR SITES

Legal Authority: 42 USC 10153; 42 USC 10198

CFR Citation: 10 CFR 50; 10 CFR 72; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule is in response to the Nuclear Waste Policy Act (NWPA) section 218 (a) which states in part, that the Secretary of DOE shall establish a demonstration program, in cooperation with the private sector, for dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the Commission may, by rule, approve for use at sites of civilian nuclear power reactors. The NWPA also requires that the NRC establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor.

The staff anticipates a significant increase in the demand for use of dry spent fuel storage casks starting in the early 1990s, thus processing of this proposed rule would be timely. NRC resource requirements are anticipated to be about two staff years.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	54 FR 19379
NPRM Comment Period End	06/19/89	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3764

RIN: 3150–AC76

4070. DEBT COLLECTION PROCEDURES

Legal Authority: 31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 015

Legal Deadline: None

Abstract: The proposed rule would amend the regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to further improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. No comments were received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39480
NPRM Comment Period End	11/21/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Graham D. Johnson, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7535

RIN: 3150–AC87

4071. ENSURING THE EFFECTIVENESS OF MAINTENANCE PROGRAMS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would provide functional requirements for the maintenance of nuclear power plants and allow industry initiatives to develop the details of maintenance programs to meet these requirements. The proposed rule would apply to all components, systems and structures of nuclear power plants and wold be applicable to existing and future plants. The proposed rule would also require each licensee to develop, implement and maintain a maintenance program, and to formally commit to follow the program.

The scope of maintenance activities addressed in the rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants which was issued on March 23, 1988 (53 FR 9430).

It is estimated that about 3 staff-years of effort and $600,000 for contract services will be required to process the final rule.

NRC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47822
NPRM Comment Period End	02/27/89	53 FR 52716

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Moni Dey, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3730**

RIN: 3150–AD00

4072. MINOR AMENDMENTS TO PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

Abstract: The proposed rule amends the Commission's regulations dealing with physical protection requirements that are out of date, susceptible to differing interpretations, or in need of clarification. These problems were identified by a systematic review of the agency's safeguards regulations and guidance documents conducted by the Safeguards Interoffice Review Group (SIRG). In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would: (1) add definitions for common terms not currently defined by frequent use, (2) delete action dates that no longer apply, (3) correct outdated terms and cross references, (4) clarify wording that is susceptible to differing interpretations, (5) correct typographical errors, and (6) make other minor changes.

Timetable:

Action	Date	FR Cite
NPRM	08/15/89	54 FR 33570
NPRM Comment Period End	09/29/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The alternative to rulemaking would be to allow the status quo to continue. Except for the change in the impact of a high radiation field on physical protection requirements, these minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking. This is a low priority rulemaking.

Agency Contact: Stan Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3745**

RIN: 3150–AD03

4073. SEQUESTRATION OF WITNESSES INTERVIEWED UNDER SUBPOENA/DISQUALIFICATION OF ATTORNEYS

Legal Authority: 41 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 019

Legal Deadline: None

Abstract: The proposed rule would provide for the sequestration of all persons compelled to appear before NRC representatives under subpoena during the conduct of investigative interviews. The proposed rule would also give the agency official conducting the investigation (after consultation with the Office of the General Counsel) the authority to disqualify an attorney who represents multiple interests from the investigative interviews of other witness clients or from the investigatory proceedings entirely whenever the attorney impairs or impedes the progress of the investigation. The proposed rule would require the official to have evidence of the attorney's improper conduct and must provide the excluded counsel a written statement of reasons for the disqualification. The proposed rule would also provide disqualified counsel a right to Commission review of the disqualification decision. The proposed rule is intended to clarify and delineate the rights and responsibilities of the agency, interviewees, licensees, and attorneys during the conduct of agency investigations. The proposed rule is also (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45768
NPRM Comment Period End	01/10/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Abstract Cont. intended to promote candor in the investigative process and to facilitate an expeditious resolution of agency investigations.

Agency Contact: Carolyn F. Evans, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1632**

RIN: 3150–AD06

4074. PALLADIUM-103 FOR THE INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the medical use of byproduct material. The proposed regulation would add Palladium-103 sealed source as seeds to the list of sources permitted in 10 CFR Part 35 for use in cancer treatment. Under current NRC regulations, users must have their licenses amended before they may use Palladium-35 seeds by each potential user (about 700 licensees) with either a simplified amendment or no amendment, depending upon the individual license. An evaluation of potential radiation hazards to hospital personnel and the public showed a minimal risk if the seeds are used in accordance with the manufacturer's radiation safety and handling instructions.

Timetable:

Action	Date	FR Cite
NPRM	04/06/89	54 FR 13892
NPRM Comment Period End	05/08/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150–AD11

4075. ● INFORMAL HEARING PROCEDURES FOR NUCLEAR REACTOR OPERATOR LICENSING ADJUDICATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The proposed rule would amend NRC regulations to provide rules of procedure for informal adjudicatory hearings in nuclear power reactor operator licensing proceedings. The Atomic Energy Act of 1954 requires that the NRC, in any proceeding for the granting, suspending, revoking, or amending of an NRC license, including licensing as an operator or senior operator at a nuclear power plant, afford an interested person, upon request, a "hearing." This proposed rule would amend an existing rule which provides for informal hearing procedures for materials licensing proceedings to include reactor operator licensing proceedings as well.

Timetable:

Action	Date	FR Cite
NPRM	04/26/89	54 FR 17961
NPRM Comment Period End	06/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karla Smith, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1606

RIN: 3150–AD17

4076. ● STATEMENT OF ORGANIZATION AND GENERAL INFORMATION; MINOR AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 000; 10 CFR 001; 10 CFR 002; 10 CFR 009; 10 CFR 010; 10 CFR 015; 10 CFR 025; 10 CFR 051; 10 CFR 095

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations pertaining to its statement of organization and general information to reflect the recent reorganization within the Office of the Executive Director for Operations and the former Office of Administration and Resources Management and the creation of the Office of the Licensing Support System Administration. This rule would inform licensees and the public of organizational changes within the NRC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7211

RIN: 3150–AD18

4077. ● EXPORT OF HEAVY WATER TO CANADA

Legal Authority: 42 USC 3201; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 110

Legal Deadline: None

Abstract: The final rule would amend the Commission's regulations concerning the import and export of nuclear equipment and material in 10 CFR Part 110. Current regulations require that license applications for the export of 1000 kilograms or more of heavy water to any country require review by the Commission. The Commission has reviewed its processing of nuclear export license applications and has determined that license applications for the export of any quantity of heavy water to Canada do not raise issues that require Commission review. Therefore, the Commission has delegated additional authority to the NRC staff to act upon such export license applications without prior consultation with the Commission. There is no acceptable alternative to rulemaking because an amendment to the regulations is necessary to identify the classes of export license application which require Commission review. The rule should benefit the NRC, the industry, and the public by expediting the review process for these kinds of applications.

Timetable:

Action	Date	FR Cite
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elaine O. Hamby, Nuclear Regulatory Commission, Office of Governmental and Public Affairs, Washington, DC 20555, 301 492-0341

RIN: 3150–AD20

4078. ● PRESERVING THE FREE FLOW OF INFORMATION TO THE COMMISSION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 030; 10 CFR 040; 10 CFR 050; 10 CFR 060; 10 CFR 070; 10 CFR 072; 10 CFR 150

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations requiring licensees and license applicants to ensure that neither they, nor their contractors or subcontractors, impose conditions in settlement agreements under Section 210 of the Energy Reorganization Act, or in other agreements on the terms, conditions, and privileges of employment, that would prohibit, restrict, or otherwise discourage an employee from providing the Commission with information on potential safety violations. The proposed rule would require licensees and license applicants to establish procedures to ensure that their contractors and subcontractors have been informed of the prohibition, that licensees and license applicants are notified of any complaints filed with the Department of Labor pursuant to Section 210 of the Energy Reorganization Act by an employee of a contractor or subcontractor, and to require review by the licensee of any settlement agreements related to employee complaints of such determination by a contractor or subcontractor.

Timetable:

Action	Date	FR Cite
NPRM	07/18/89	54 FR 30049
NPRM Comment Period End	09/18/89	

NRC — **Final Rule Stage**

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1623**

RIN: 3150–AD21

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

4079. MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule has been superseded by the proposed rule entitled, "Rules of Practice for Domestic Licensing Proceedings--Procedural Changes in Hearing Process," which is scheduled to be published as a final rule in July 1989. This rule will address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding.

Timetable:

Action	Date	FR Cite
Terminated	06/29/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen D. Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1637**

RIN: 3150–AA05

4080. EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Legal Deadline: None

Abstract: The final rule amended the Commission's regulations to require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would, among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public.

Timetable:

Action	Date	FR Cite
Final Action	04/07/89	54 FR 14051

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3918**

RIN: 3150–AA41

4081. INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 02

Legal Deadline: None

Abstract: This final rule amended the Commission's regulations concerning its rules of practice to provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. These procedures reduce the economic burden on participants in a materials licensing proceeding.

Timetable:

Action	Date	FR Cite
Final Action	02/28/89	54 FR 8269
Final Action Effective	03/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AB83

4082. DISPOSAL OF RADIOACTIVE WASTES; PART 61 AMENDMENTS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 61

Legal Deadline: None

Abstract: The final rule requires geologic repository disposal of all above Class C low-level radioactive waste (LLW) unless an alternative has been approved by the Commission. This accomplishes the objective of establishing suitable disposal requirements for radioactive waste with a minimal impact on cost burdens.

Timetable:

Action	Date	FR Cite
Final Action	05/25/89	54 FR 22578
Final Action Effective	06/26/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3810**

RIN: 3150–AB89

4083. NEPA REVIEW PROCEDURES FOR GEOLOGIC REPOSITORIES FOR HIGH-LEVEL WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 02; 10 CFR 51; 10 CFR 60

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to provide procedures for performing an environmental review of High Level Waste (HLW) geologic repositories.

Timetable:

Action	Date	FR Cite
Final Action	07/03/89	54 FR 27864
Final Action Effective	08/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James R. Wolf, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1641

RIN: 3150-AC04

4084. ISSUANCE OR AMENDMENT OF POWER REACTOR LICENSE OR PERMIT FOLLOWING INITIAL DECISION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: This final rule amended the Commission's "immediate effectiveness" regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or permit becomes effective.

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	51 FR 3442
NPRM Comment Period End	05/06/87	51 FR 11475
Final Action	02/23/89	54 FR 7756
Final Action Effective	03/27/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1634

RIN: 3150-AC15

4085. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS--PROCEDURAL CHANGES IN HEARING PROCESS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations which address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding.

Timetable:

Action	Date	FR Cite
Final Action	08/11/89	54 FR 33168
Final Action Effective	09/11/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen D. Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1637

RIN: 3150-AC22

4086. EDUCATION AND EXPERIENCE REQUIREMENTS FOR SENIOR REACTOR OPERATORS AND SUPERVISORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50; 10 CFR 55

Legal Deadline: None

Abstract: The Commission is withdrawing this proposed rulemaking published on December 29, 1988 (54 FR 52716), in which comments were solicited on two proposed alternative amendments to its regulations. The alternatives proposed in the Federal Register notice would have imposed additional education and experience requirements for either senior operators or control room supervisors. In consideration of the comments received on the proposed rule and the status of industry initiatives to enhance the education level of its operating personnel, the Commission concludes that it should withdraw the proposed rule published on December 29, 1988. The Commission published a policy statement that presents its views concerning education for senior operators and shift supervisors at nuclear power plants (August 15, 1989; 54 FR 33639).

Timetable:

Action	Date	FR Cite
Withdrawn	08/15/89	54 FR 33568

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3794

RIN: 3150-AC26

4087. EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 4842; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 002; 10 CFR 050; 10 CFR 051; 10 CFR 052; 10 CFR 170

Legal Deadline: None

Abstract: The final rule adds a new part to the Commission's regulations to improve the reactor licensing process. The rule provides for the issuance of early site permits, standard design certifications, and combined construction permits and conditional operating licenses for nuclear power reactors.

Timetable:

Action	Date	FR Cite
Final Action	04/18/89	54 FR 15372
Final Action Effective	05/18/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Steven Crockett, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1600

RIN: 3150-AC61

4088. REGULATION OF URANIUM ENRICHMENT FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 76

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking has been withdrawn. The Commission has agreed with the staff's recommendation not to initiate a proposed rule for the regulation of uranium enrichment facilities at this time.

Timetable:

Action	Date	FR Cite
Withdrawn	05/09/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Loysen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-0685**

RIN: 3150–AC71

4089. FLOW CONTROL CONDITIONS FOR THE STANDBY LIQUID CONTROL SYSTEM IN BOILING WATER REACTORS

Legal Authority: 42 USC 2136

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: This final rule clarified the Commission's regulations pertaining to boiling water reactors (BWR). The current regulations require that all boiling water reactors must have a standby liquid control system (SLCS) with a minimum flow capacity and boron content equivalent in control capacity to 86 gallons per minute (gpm) of 13 weight percent of sodium pentaborate solution.

Timetable:

Action	Date	FR Cite
Final Action	04/03/89	54 FR 13361
Final Action Effective	05/03/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AC72

4090. FITNESS FOR DUTY PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 26

Legal Deadline: None

Abstract: The final rule created a new part in the Commission's regulations that requires licensees authorized to operate nuclear power reactors to implement a fitness for duty program that will provide reasonable assurance that activities associated with nuclear power plant operations are carried out in an environment that is free from the effects of alcohol and drug abuse.

Timetable:

Action	Date	FR Cite
Final Action	06/07/89	54 FR 24468
Final Action Effective	07/07/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Loren L. Bush, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-0944**

RIN: 3150–AC81

4091. LICENSEE ACTION DURING NATIONAL SECURITY EMERGENCY

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The final rule amended the Commission's regulations governing the domestic licensing of production and utilization facilities to allow a licensee during a national security emergency to deviate from a license condition or a technical specification. The Commission previously has granted authority to nuclear power reactor licensees to take reasonable action that departs from a license condition or a technical specification in an emergency when the action is immediately necessary to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. This final rule provides the same flexibility to licensees, but for the purpose of attaining national security objectives during a declared national emergency due to nuclear war or natural disaster.

Timetable:

Action	Date	FR Cite
Final Action	02/17/89	54 FR 7178
Final Action Effective	03/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Aron, Nuclear Regulatory Commission, Office of Assessment and Evaluation of Operational Data, Washington, DC 20555, **301 492-9001**

RIN: 3150–AC83

4092. EXTENSION OF TIME FOR THE IMPLEMENTATION OF THE DECONTAMINATION PRIORITY AND RELATIONSHIP PROVISIONS OF PROPERTY INSURANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: This final rule amended the implementation schedule for the decontamination priority and trusteeship provisions of its property insurance regulations contained in 10 CFR 50.54(w)(5)(i) to change the effective date from October 4, 1988 to April 1, 1990.

Timetable:

Action	Date	FR Cite
Final Action	03/17/89	54 FR 11161
Final Action Effective	03/17/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1280**

RIN: 3150–AC94

4093. RULE ON THE SUBMISSION AND MANAGEMENT OF RECORDS AND DOCUMENTS RELATED TO THE LICENSING OF A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high-level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff has used the process of negotiated rulemaking to develop a rule that revises the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high-level waste licensing proceeding. This rule requires the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding will be required to submit all relevant data to this system. In turn, all parties will have access to the data base.

Timetable:

Action	Date	FR Cite
Final Action	04/14/89	54 FR 14925
Final Action Effective	05/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1623

RIN: 3150–AD02

4094. FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS; MISCELLANEOUS AMENDMENTS NECESSITATED BY CHANGES IN THE PRICE-ANDERSON ACT

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The final rule implements the statutory requirements of the Price-Anderson Act of 1988. The final rule amends the Commission's regulations to coincide, as statutorily required, with the increase in the level of the primary layer of insurance provided by private nuclear liability insurance pools.

Timetable:

Action	Date	FR Cite
Final Action	06/06/89	54 FR 24157
Final Action Effective	07/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ira Dinitz, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-1289

RIN: 3150–AD08

4095. ACCESS TO SAFEGUARDS INFORMATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: This final rule amended the Commission's requirements for access to Safeguards Information to conform with a provision of Pub. L. 99-399, "The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986."

Timetable:

Action	Date	FR Cite
Final Action	04/25/89	54 FR 17703
Final Action Effective	05/25/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark L. Au, Nuclear Regulatory Commission, Washington, DC 20555, 301 492-3749

RIN: 3150–AD12

4096. INDEMNIFICATION OF LICENSEES THAT MANUFACTURE, PRODUCE, POSSESS OR USE RADIOPHARMACEUTICALS OR RADIOISOTOPES FOR MEDICAL PURPOSES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: Section 19 of the Price-Anderson Amendments Act of 1988 required the Commission to determine, through use of a negotiated rulemaking proceeding, whether persons licensed by the Commission or Agreement States for the manufacture, production, possession, or use of radioisotopes or radiopharmaceuticals for medical purposes ("radiopharmaceutical licensees") should be indemnified under the Price-Anderson Act. Section 19 required the Convenor of the proceeding to submit a recommendation to the Commission on whether the Commission should enter into indemnity agreements with radiopharmaceutical licensees. The Convenor's report recommended that the Commission not extend indemnity under the Price-Anderson Act to any class of radiopharmaceutical licensees. Therefore, this rulemaking was terminated.

Timetable:

Action	Date	FR Cite
Terminated	05/24/89	54 FR 22444

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1623

RIN: 3150–AD13

4097. FREEDOM OF INFORMATION ACT; APPEAL AUTHORITY FOR DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: This final rule amended the Commission's regulations concerning the Freedom of Information Act to reflect the recent reorganization within the Office of the Executive Director for Operations. This amendment permits a Deputy Executive Director for Operations to respond to appeals in lieu of the Executive Director for Operations.

Timetable:

Action	Date	FR Cite
Final Action	03/10/89	54 FR 10138
Final Action Effective	03/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office

of Administration, Washington, DC 20555, **301 492-7211**

RIN: 3150–AD14

4098. ● MANNER OF SERVICE OF PLEADINGS UPON THE SECRETARY OF THE COMMISSION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 002

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to require all parties in NRC proceedings to file copies of all pleadings filed with any agency adjudicatory tribunal with the Office of the Secretary in the same or equivalent manner in which they were filed with the tribunal. This will result in the Office of the Secretary receiving the pleading on approximately the same day as the tribunal.

Timetable:

Action	Date	FR Cite
Final Action	06/26/89	54 FR 26730
Final Action Effective	07/26/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles Mullins, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1606**

RIN: 3150–AD22

4099. ● ACCESS AUTHORIZATION FEE SCHEDULE FOR LICENSEE PERSONNEL AND IMPLEMENTATION OF SF-312

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 2273; 42 USC 5841

CFR Citation: 10 CFR 011; 10 CFR 025; 10 CFR 095

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations to revise the rate charged to licensees by the NRC for conducting access authorization background investigations. The final rule implements the use of the Standard Form 312, "Classified Information Nondisclosure Agreement," in lieu of the SF-189-A (of the same title), to fulfill the National Security Decision Directive 84 requirement that all persons authorized access to classified information sign a nondisclosure agreement as a condition of access.

Timetable:

Action	Date	FR Cite
Final Action	10/04/89	54 FR 40859
Final Action Effective	10/04/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patricia A. Smith, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-4118**

RIN: 3150–AD24

4100. ● ADVISORY COMMITTEES; POLICIES AND PROCEDURES

Legal Authority: 43 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 007

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations that define the policies and procedures to be followed by the NRC in the establishment, utilization, and termination of advisory committees. This amendment reflects administrative and management changes that have taken place since NRC's regulations were published in 1975 and maintains consistency between NRC regulations and those issued by the General Services Administration in 1987.

Timetable:

Action	Date	FR Cite
Final Action	06/27/89	54 FR 26947
Final Action Effective	06/27/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Susan Fonner, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1632**

RIN: 3150–AD25

4101. ● DUPLICATION FEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

Abstract: The final rule amends the Commission's regulations by revising the charges for copying records publicly available at the NRC Public Document Room in Washington, DC. The amendment reflects the change in copying charges resulting from the Commission's award of a new contract for the copying of records.

Timetable:

Action	Date	FR Cite
Final Action	09/05/89	54 FR 36757
Final Action Effective	09/05/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Kathleen E. Ruhlman, Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, **202 634-3273**

RIN: 3150–AD29

[FR Doc. 89-21759 Filed 10-27-89; 8:45 am]

BILLING CODE 7590-01-T

Federal Register

Monday
October 30, 1989

Part LVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6845, 34-27245, 35-24953, 39-2225, IC-17134, IA-1199; File No. S7-26-89]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions pursuant to chapter six of the Administrative Procedure Act and Office of Management and Budget Bulletin 89-12. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission invites questions and public comment on individual agenda entries.

DATE: Public comments are due by December 31, 1989.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-26-89 and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Office of Economic Analysis, Securities and Exchange Commission, 450 5th Street NW., Room 9200, Stop 9-1, Washington, DC 20549 (202-272-7100). The names of persons to contact concerning particular rules are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each Federal agency, during April and October of each year, to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt that are likely to have a significant economic impact on a substantial number of small entities.[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981, within ten years of that date and for the review of all rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication, each year, of a list of those rules which are to be reviewed during the succeeding twelve months.[4]

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be subject to RFA review requirements. The Commission is identifying them here in order to inform the public of its intention to review them. The agenda also identifies the rulemaking actions which have been completed (or withdrawn) since the last RFA release was published.[5]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included nor is the Commission required to consider or act on any matter which is included.[6] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[7] This preliminary judgment may be changed upon further analysis.

The Commission's entries to the October 1989 Unified Agenda of Federal Regulations are listed below. The Commission's agenda includes new entries, as well as items carried over from the April 1989 publication. New entries are marked with a bullet next to the Sequence Number. Priority items are identified under the heading "Significance."

Copies of the Commission's regulatory agenda are available from the Commission's Office of Public Affairs (Room 1015). The Commission's regulatory agenda is also available for inspection and copying in the Public Reference Room (Room 1026). Please refer to File S7-26-89 as noted above.

The Commission invites public comment on the individual entries in its regulatory agenda.

Dated: September 14, 1989.

By the Commission.

Jonathan G. Katz,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4102	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties..	3235-AB45
4103	17 CFR 230.415 Shelf Offerings Pursuant to Rule 415 under the Securities Act of 1933	3235-AD67
4104	17 CFR 230 Sales Literature and the Securities Act of 1933	3235-AD68
4105	00 CFR Not yet determined Leveraged Buyouts and Debtholders	3235-AD69

[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6824 (April 24, 1989) [54 FR 17624].

[6] 5 U.S.C. 602(d).

[7] The agenda relies on the definitions of the term "small entity" for purposes of the RFA, which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

SEC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
4106	17 CFR 210.3-20 Reporting Currency in Financial Statements under Rule 3-20 of Regulation S-X	3235-AD70

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4107	17 CFR 210 Request for timely review of quarterly financial information	3235-AD31
4108	17 CFR 229.405 (New) Reports of Directors, Officers and Principal Stockholders	3235-AB14
4109	00 CFR Not yet determined Rulemaking for Operational Edgar System	3235-AC48
4110	17 CFR 230. Rule 153 Definition of Preceded by a Prospectus as used in Section 5(b)(2) in relation to Certain Transactions	3235-AC61
4111	17 CFR 210 Multijurisdictional Disclosure	3235-AC64
4112	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
4113	17 CFR 230.134 Communications not Deemed a Prospectus	3235-AD22
4114	17 CFR 240.14a-7 Shareholder Lists	3235-AD41
4115	17 CFR 230.112 Lock-Box Rules	3235-AD43
4116	17 CFR 230.801 Rule 601	3235-AD44
4117	17 CFR 229.703 Disclosure of the Bases for a Board of Directors Evaluation of an Extraordinary Corporate Transaction	3235-AD53
4118	17 CFR 230.169 Rule 169 - Disclosure Requirements for Certain Offerings Relating to Probable Acquisitions	3235-AD54
4119	17 CFR 249.220f (Revision) Foreign Issuer Reporting on Form 20-F under the Securities Exchange Act of 1934	3235-AD71
4120	17 CFR 240.12g3-2 Foreign Issuer Reporting under Rule 12g3-2(b) under the Securities Exchange Act of 1934	3235-AD72
4121	17 CFR 240.15c2-11 Initiation or Resumption of Quotations Without Specified Information	3235-AA48
4122	17 CFR 240.15c3-1 Net capital requirements for brokers or dealers	3235-AD79
4123	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
4124	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
4125	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
4126	17 CFR 239.14 Amendments to Form N-2	3235-AB40
4127	17 CFR 275.206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with Respect to Certain Transactions	3235-AB74
4128	17 CFR 270.6c-11 Proposed Rule 6c-11 under the Investment Company Act of 1940 ("ICA")	3235-AC03
4129	17 CFR 275.206(4)-1 Advertising by Investment Advisers	3235-AC09
4130	17 CFR 274.11A N-1A Technical Amendments	3235-AC25
4131	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
4132	17 CFR 270.12d3-2 Proposed Rule 12d3-2 under the Investment Company Act	3235-AC36
4133	00 CFR Not yet determined Advertising by Unit Investment Trusts	3235-AC70
4134	17 CFR 270.6c-12 Proposed Rule 6c-12 under the Investment Company Act of 1940	3235-AC84
4135	17 CFR 270.17f-5 Rule 17f-5 under the Investment Company Act of 1940	3235-AC85
4136	17 CFR 270.12d3-1 Proposed Amendments to Rule 12d3-1 under the Investment Company Act of 1940	3235-AD19
4137	17 CFR 230.139a Information that broker-dealers may disseminate about Investment Companies	3235-AD20
4138	17 CFR 275. Revisions to the registration and the annual supplement forms used by Investment Advisers	3235-AD21
4139	17 CFR 270.36a-1 Proposed Rule 36a-1 under the Investment Company Act of 1940	3235-AD33
4140	17 CFR 270.17f-6 Custody of Investment Company Assets with Registered Futures Commission Merchants	3235-AD34
4141	17 CFR 275.203(b)(1) -1 Exemption from Registration Under the Advisers Act for certain Smaller Investment Advisers	3235-AD36
4142	17 CFR 230.485 Revisions to Rules 485 and 486	3235-AD55
4143	17 CFR 274.11A Revisions to Annual Report to Shareholders	3235-AD56
4144	17 CFR 270.24f-1 Registration under the Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AD64
4145	17 CFR 270.12d1-1 Exemption from the Limitation Imposed by Section 12 (d)(1)(a) of the Investment Company Act of 1940	3235-AD65
4146	17 CFR 270.31a-2 Amendments to Rule 31a-2 under the Investment Company Act of 1940	3235-AD66

SEC

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4147	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
4148	17 CFR 210 Independent Accountants - Mandatory Peer Review	3235-AC79
4149	17 CFR 229 Report of Management's Responsibilities	3235-AD29
4150	17 CFR 210 Technical Amendments to Regulation S-X	3235-AD32
4151	17 CFR 240.13e-2 Acquisitions of Substantial Amounts of Securities and Related Activities during and following a Tender Offer for those Securities	3235-AA50
4152	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
4153	17 CFR 230.144A Resale of Restricted Securities; Changes to Method of Determining Holding Period of Restricted Securities	3235-AC65
4154	17 CFR 230.433 Prospectus Delivery Requirements in Firm Commitment Underwritten Offerings of Securities Made for Cash (Rule 433)	3235-AC80
4155	17 CFR 240.13d-1 Regulation 13D-G	3235-AD09
4156	17 CFR 230.901-906 Regulation S - Rules governing Offers and Sales made outside the United States without Registration under the Securities Act of 1933	3235-AD23
4157	17 CFR 230.465 Automatically Effective Post-Effective Amendments for Acquisitions by Certain Limited Partnerships	3235-AD24
4158	17 CFR 240.13d-101 Disclosure of Significant Equity Participants in Control Transactions	3235-AD42
4159	17 CFR 240. 15c2-10 Rule 15c2-10	3235-AC94
4160	17 CFR 240.15c3-3 Customer Protection Reserves and Custody of Securities	3235-AD60
4161	17 CFR 240.15c3-1 Net Capital Requirements for Broker or Dealers	3235-AD62
4162	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
4163	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
4164	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
4165	17 CFR 270.24f-3 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
4166	17 CFR 270.12b-1 Proposed amendments to Rules 12b-1 and 17d-3 under the Investment Company Act of 1940, and to item 7 of Form N-1A under the Securities Act of 1933	3235-AC11
4167	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
4168	17 CFR 270.6c-10 Proposed Rule 6c-10 under the Investment Company Act of 1940 and Amendment to item 2 of Form N-1A under the Securities Act of 1933	3235-AD18
4169	17 CFR 250.17 Diversification by Exempt Holding Companies	3235-AD39

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4170	17 CFR 240.3a12-10 Exemption of Certain Securities Issued by the Resolution Funding Corporation	3235-AD80
4171	17 CFR 229.303 Management's Discussion and Analysis of Financial Condition and Results of Operations	3235-AD03
4172	17 CFR 240 Disclosure of Block Repurchases by an Issuer or Affiliate	3235-AD25
4173	17 CFR 228.801(e) Guide 5 under the Securities Act of 1933	3235-AD73
4174	00 CFR None Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16
4175	17 CFR 240. 17Ad-8 Rule 17Ad-8 of the Securities Exchange Act	3235-AC29
4176	17 CFR 240.15a-6 Exemption of certain foreign brokers or dealers	3235-AD27
4177	17 CFR 240.15c2-12 Municipal Securities Disclosure	3235-AD58
4178	17 CFR 240.15c2-6 Sales Practice Requirements for Certain Low-Priced Securities	3235-AD63
4179	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
4180	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11c-1 Under the Investment Company Act	3235-AA14
4181	17 CFR 270.17f-1 Forms for Filings by accountants	3235-AD37
4182	17 CFR 270.32a-3 Proposed rule 32a-3 under the Investment Company Act of 1940	3235-AD57
4183	17 CFR 270.18f-1 Rule 18f-1, Exemption from certain requirements of section 18(f)(1) of the Act of 1940 for registered open-end investment companies which have the right to redeem in kind	3235-AD74
4184	17 CFR 270.23c-1 Rule 23c-1 under the Investment Company Act of 1940, Repurchase of Securities by closed-end companies	3235-AD75
4185	17 CFR 270.17d-2 Rule 17d-2 under the Investment Company Act of 1940, Form for report by small business Investment Company and Affiliated Bank	3235-AD76
4186	17 CFR 270.8f-1 Rule 8f-1 under Act of 1940, Form for application by certain registered Investment Company for orders declaring that such companies have ceased to be Investment Company	3235-AD77

SEC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
4187	17 CFR 270.6d-1 Rule 6d-1 under the Investment Company Act of 1940, Exemption for certain closed-end Investment Companies	3235-AD78

SECURITIES AND EXCHANGE COMMISSION (SEC) — Prerule Stage

Accounting Rules

4102. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. The staff will consider whether the accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Greg W. Norwood, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235–AB45

Disclosure Rules

4103. ● SHELF OFFERINGS PURSUANT TO RULE 415 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230.415

Legal Deadline: None

Abstract: The Commission staff is considering whether to recommend to the Commission proposals based upon its reexamination of the use of Rule 415 under the Securities Act of 1933 in the context of novel and unique securities offerings and other current market transactions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD67

4104. ● SALES LITERATURE AND THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 230

Legal Deadline: None

Abstract: The Commission staff is considering whether to recommend to the Commission proposals that would address the use of sales literature in connection with securities offerings registered pursuant to the Securities Act of 1933.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD68

4105. ● LEVERAGED BUYOUTS AND DEBTHOLDERS

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s; 15 USC 77aa(12); 15 USC 781; 15 USC 78o(d); 15 USC 78w

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Commission staff is considering whether to recommend to the Commission proposals based upon its consideration of the effect of leveraged buyouts on debtholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard W. Bohan, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street,

SEC — Prerule Stage

N.W., Washington, D.C. 20549, 202 272-7931

RIN: 3235–AD69

4106. ● REPORTING CURRENCY IN FINANCIAL STATEMENTS UNDER RULE 3-20 OF REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s; 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79k(a); 15 USC 80a-8; 15 USC 30a-29

CFR Citation: 17 CFR 210.3-20

Legal Deadline: None

Abstract: The staff is considering whether to recommend to the Commission revisions to Rule 3-20 of Regulation S-X that would clarify provisions allowing a foreign private issuer to state its financial statements in a currency other than that of the country in which it is incorporated or organized. In lieu of that rule's present reference to the issuer's primary economic environment the revised rule would identify characteristics of the issuer that would guide the selection of a reporting currency.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert A. Bayless, Chief Accountant, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2553

RIN: 3235–AD70

SECURITIES AND EXCHANGE COMMISSION (SEC) — Proposed Rule Stage

Accounting Rules

4107. REQUEST FOR TIMELY REVIEW OF QUARTERLY FINANCIAL INFORMATION

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210; 17 CFR 229

Legal Deadline: None

Abstract: The Commission has issued a concept release soliciting comments on whether the Commission's rules should be amended to require independent public accountants to review interim financial information before it is filed with the Commission.

Timetable:

Action	Date	FR Cite
ANPRM	06/20/89	54 FR 27023
ANPRM Comment Period End	09/25/89	54 FR 27023

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kenneth V. Moreland, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD31

Disclosure Rules

4108. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 229.405 (New); 17 CFR 240.12h-2; 17 CFR 240.14a-101; 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-4; 17 CFR 240.16e-1; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 249.105 (New); 17 CFR 249.310; 17 CFR 270.30f-1; 17 CFR 274.101

Legal Deadline: None

Abstract: The Commission published for comment a revised set of proposals that would provide a comprehensive revision of its rules promulgated under Section 16 of the Securities Exchange Act. The reproposed rules would define certain key terms, change trade reporting obligations, change exemptions from Section 16(b) short-swing profit recovery, and promulgate new forms and instructions.

Timetable:

Action	Date	FR Cite
Original NPRM	12/02/88	53 FR 49997
Original NPRM comment period end	03/13/89	
NPRM	08/18/89	
NPRM Comment Period End	11/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AB14

4109. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rulemaking encompasses the changes necessary to accommodate electronic filing in the operational Edgar system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	
NPRM	11/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William H. Carter, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235–AC48

4110. RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230.

Legal Deadline: None

Abstract: The prospectus delivery requirement for certain transactions effectuated on a national securities exchange may be satisfied by delivery to the exchange. The staff will consider whether to recommend to the Commission that this procedure should be available for certain transactions on the NASDAQ Inter Dealer Quotation System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AC61

4111. MULTIJURISDICTIONAL DISCLOSURE

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None

Abstract: The Commission has proposed a multijurisdictional disclosure system that would permit Canadian issuers that, depending on the nature of the offering, meet market value, public float and Canadian reporting history tests to register securities in the United States using disclosure documents prepared according to the requirements of Canadian regulatory authorities. Certain Canadian issuers would also be able to use such documents to meet U.S. periodic disclosure requirements. Companies subject to U.S. proxy requirements could use Canadian documents for certain solicitations. Canadian insider reports could be filed with the Commission. Additionally, tender offers for Canadian companies could be made in accordance with Canadian rules where a limited number of shareholders reside in the U.S.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/85	50 FR 9281
ANPRM Comment Period End	07/15/85	
NPRM	07/26/89	54 FR 32226
NPRM Comment Period End	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AC64

4112. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None

Abstract: Other appropriate criteria are being sought to establish the threshold level for companies to enter into the Securities Exchange Act of 1934 reporting system, which would complement or be substituted for the present size criteria of 500 shareholders and total assets of $5 million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AC66

4113. COMMUNICATIONS NOT DEEMED A PROSPECTUS

Legal Authority: 15 USC 77b; 15 USC 77s

CFR Citation: 17 CFR 230.134

Legal Deadline: None

Abstract: The staff will consider whether to recommend to the Commission that amendments to Rule 134 of the Commission's rules and regulations under the Securities Act of 1933 that would permit direct participation programs such as state limited partnerships to include additional information in their Rule 134 tombstone advertisements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William E. Morley, Associate Director, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th

Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235–AD22

4114. SHAREHOLDER LISTS

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-7; 17 CFR 240.14d-5

Legal Deadline: None

Abstract: The Commission staff is developing proposals to amend the proxy and tender offer rules to give a securityholder the right, under specified circumstances, to obtain a list of the names, addresses and holdings of certain of the registrant's shareholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD41

4115. LOCK-BOX RULES

Legal Authority: 15 USC 77s(a); 15 USC 78w(a); 15 USC 77f

CFR Citation: 17 CFR 230.112; 17 CFR 240.0-12; 17 CFR 230.456

Legal Deadline: None

Abstract: The staff is developing proposals that would address procedures regarding payment of fees to the lock-boxes designated at 17 CFR 202.3a with respect to 1933 Act filings and 1934 Act change of control transactional filings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne M. Krauskopf, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235–AD43

4116. RULE 801

Significance: Agency Priority

Legal Authority: 15 USC 77c(b); 15 USC 77s

CFR Citation: 17 CFR 230.801

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would provide an exemption from the registration requirements of the Securities Act of 1933 for certain rights offerings to the existing security holders of non-reporting issuers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AD44

4117. DISCLOSURE OF THE BASES FOR A BOARD OF DIRECTORS EVALUATION OF AN EXTRAORDINARY CORPORATE TRANSACTION

Significance: Agency Priority

Legal Authority: 15 USC 78m; 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR 229.703; 17 CFR 240.13e-100; 17 CFR 240.13e-101; 17 CFR 240.14a-101; 17 CFR 240.14d-1 to 240.14f-1

Legal Deadline: None

Abstract: The staff is developing proposals to promote shareholder analysis of extraordinary corporate transactions recommended or approved by the board of directors of the subject company. Amendments would be proposed to Rule 13e-3 and Schedule 13E-3 to apply those provisions to transactions where it is anticipated that management will have a significant interest in the transaction, such as an equity interest in the surviving entity. The proposals also would adopt enhanced disclosure requirements, similar to those of Rule 13e-3 for a broader class of extraordinary transactions. The objective of the proposals would be to provide investors with more information concerning the transaction (including the values inherent in the transaction) and the evaluation processes of the board of directors. In connection with this rulemaking project, a review of Rules 13e-3 and 14d-1 through 14f-1 and Schedule 13E-3 will be conducted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard E. Baltz, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD53

4118. RULE 169 - DISCLOSURE REQUIREMENTS FOR CERTAIN OFFERINGS RELATING TO PROBABLE ACQUISITIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77s(a)

CFR Citation: 17 CFR 230.169

Legal Deadline: None

Abstract: The staff is developing proposals that would require certain issuers offering registered securities through outstanding warrants, rights or convertible securities, or through a secondary offering to file post-effective amendments when an acquisition becomes probable in order to furnish information, including audited financial statements about the company to be acquired.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AD54

4119. ● FOREIGN ISSUER REPORTING ON FORM 20-F UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 77s; 15 USC 78w

CFR Citation: 17 CFR 249.220f (Revision)

Legal Deadline: None

Abstract: The staff is considering whether to recommend to the Commission revisions to Form 20-F to permit its use by Canadian issuers in all circumstances.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AD71

4120. ● FOREIGN ISSUER REPORTING UNDER RULE 12G3-2(B) UNDER THE SECURITIES EXCHANGE ACT OF 1934

Legal Authority: 15 USC 781; 15 USC 78w

CFR Citation: 17 CFR 240.12g3-2; 17 CFR 249

Legal Deadline: None

Abstract: The staff is considering whether to recommend to the Commission revisions to clarify the requirements of Rule 12g3-2(b) and provide forms for use by persons furnishing information under that Rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AD72

Securities Markets and Securities Industry Rules

4121. ● INITIATION OR RESUMPTION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Significance: Agency Priority

Legal Authority: 15 USC 78w; 15 USC 78c; 15 USC 78j(b); 15 USC 78o(c); 15 USC 78q(a); 15 USC 78w(a)

CFR Citation: 17 CFR 240.15c2-11

Legal Deadline: None

Abstract: Rule 15c2-11 governs the submission and publication of quotations by brokers or dealers for certain over-the-counter securities. The rule applies principally to the initiation or resumption of quotations in the National Daily Quotation Service, which is also known as the "pink sheets." The proposed amendments to the rule are intended to clarify and enhance a broker-dealer's obligation to obtain and maintain information before commencing or resuming quotations in the pink sheets. The proposed amendments will further the Commission's efforts to combat fraud and manipulative conduct in the penny stock market.

Timetable:

Action	Date	FR Cite
NPRM	09/15/89	
NPRM Comment Period End	12/01/89	54 FR 39194

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Nancy J. Sanow, Assistant Director, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W. (Stop 5-1), Washington, D.C. 20549, 202 272-2848

RIN: 3235–AA48

4122. ● NET CAPITAL REQUIREMENTS FOR BROKERS OR DEALERS

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the appropriate levels of minimum net capital required of registered broker-dealers. As a result, the Commission decided to publish for comment proposed amendments to the net capital rule that, among other things, will raise the minimum net capital required of various classes of registered broker-dealers. The Commission believes that these higher levels of required net capital are justified based upon the risks posed by undercapitalized firms to customers and to the securities system as a whole.

Timetable:

Action	Date	FR Cite
NPRM	09/14/89	
NPRM Comment Period End	12/04/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael Jamroz, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W. (Stop 5-1), Washington, D.C. 20549, 202 272-2372

RIN: 3235–AD79

Investment Management Rules

4123. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or

recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Extended Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA44

4124. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Legal Deadline: None

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The Commission is also considering whether to amend Rule 17 j-1 to define specified acts as fraudulent, deceptive or manipulative or to require certain minimum standards to be set forth on a company's code of ethics.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3042

RIN: 3235–AA68

4125. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AA69

4126. AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. The Commission has proposed a simplified three-part form.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 32993
NPRM Comment Period End	10/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AB40

4127. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206(3)-3

Legal Deadline: None

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AB74

4128. PROPOSED RULE 6C-11 UNDER THE INVESTMENT COMPANY ACT OF 1940 ("ICA")

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.6c-11

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would exempt from all provisions of the ICA companies that invest primarily in whole pool and partial pool agency certificates, and companies that issue debt securities collateralized by mortgages and private mortgage certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Pfordte, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2811

RIN: 3235–AC03

4129. ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6(4)

CFR Citation: 17 CFR 275.206(4)-1

Legal Deadline: None

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not been revised since. The Commission is considering whether to amend the rule in a manner that would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze, Chief of Office, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2098

RIN: 3235–AC09

4130. N-1A TECHNICAL AMENDMENTS

Legal Authority: 15 USC 580a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is considering several modifications to Form N-1A including: reducing the number of copies to be filed with the Commission; conforming the language of Form N-1A with Forms N-3 and N-4; and clarifying many of the current disclosure requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management (Stop 5-2), 450 5th Street, N. W., Washington, DC 20549, 202 272-2107

RIN: 3235–AC25

4131. EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

Legal Authority: 15 USC 80a-10(f); 15 USC 80a-37(a); 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.10f-3

Legal Deadline: None

Abstract: The conditions in existing Rule 10f-3, which allow purchases from affiliated underwriters during the existence of an underwriting syndicate, may no longer be appropriate in today's financial markets. The Commission is investigating possible alternative provisions and soliciting comment on these alternatives.

Timetable:

Action	Date	FR Cite
ANPRM	01/29/86	51 FR 4386
ANPRM Comment Period End	04/07/86	51 FR 4386

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235–AC28

4132. PROPOSED RULE 12D3-2 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-2

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would set forth the conditions under which registered investment companies may engage in repurchase agreement transactions with persons engaged in securities related businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AC36

4133. ADVERTISING BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Currently unit investment trusts advertise their performance by means of an "estimated current return" which shows estimated cash flow. However, because there is no uniform method of computing the estimated current return, they cannot be compared by prospective investors. This rulemaking project will endeavor to create such a uniform method. A uniform method of computation will permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AC70

4134. PROPOSED RULE 6C-12 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.6c-12

Legal Deadline: None

Abstract: The regulation will be designed to codify numerous exemptions from the provisions of the Investment Company Act of 1940 ("Act") granted to two-tier real estate limited partnerships. Exemptions from the Act pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation will reduce the number of exemptive relief applications received by the Office of Investment Company Regulation requesting exemptions for two-tier real estate limited partnerships.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Pfordte, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC84

4135. RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-5

Legal Deadline: None

Abstract: Rule 17f-5 permits U.S. registered Investment Companies to maintain certain Securities and other assets in the custody of an "Eligible Foreign Custodian," as that term is defined in the rule. In response to comments that the present definition of Eligible Foreign Custodian and other provisions of the rule are too restrictive, the Commission is considering whether to propose amendments to the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC85

4136. PROPOSED AMENDMENTS TO RULE 12D3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-1

Legal Deadline: None

Abstract: The Commission is considering whether to propose amendments to Rule 12d3-1 under the Investment Company Act of 1940, which provides exemptive relief from the Act's prohibition against investment company acquisitions of securities issued by persons engaged in certain securities-related businesses. If adopted, the proposed amendments would expand the exemptive relief provided by the rule to permit, under certain conditions, investment companies to acquire equity securities issued by persons organized outside the United States that are engaged in securities related businesses.

Timetable:

Action	Date	FR Cite
NPRM	08/11/89	54 FR 33027
NPRM Comment Period End	10/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Christopher Sprague, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-7779

RIN: 3235–AD19

4137. INFORMATION THAT BROKER-DEALERS MAY DISSEMINATE ABOUT INVESTMENT COMPANIES

Legal Authority: 15 USC 775(a)

CFR Citation: 17 CFR 230.139a

Legal Deadline: None

Abstract: The Commission is considering proposing a rule that would provide a safe harbor under Section 5 of the Securities Act of 1933 for certain broker-dealer publications that contain information about investment companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD20

4138. REVISIONS TO THE REGISTRATION AND THE ANNUAL SUPPLEMENT FORMS USED BY INVESTMENT ADVISERS

Legal Authority: 15 USC 78o(b)(1); 15 USC 78w(a); 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6A; 15 USC 80b-11; 15 USC 80b-1

CFR Citation: 17 CFR 275.; 17 CFR 279.

Legal Deadline: None

Abstract: The Commission is considering a proposal that would revise the Amendment and updating requirements and procedures for an advisers registration form and annual report. The Commission would propose such revisions in order to facilitate the review of investment adviser registration forms and resolve certain administrative difficulties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD21

4139. PROPOSED RULE 36A-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.36a-1

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would require non-resident directors of registered management investment companies to designate a resident agent for service of process in any action before the Commission or in any appropriate court of the United States with respect to any action arising under the provisions of the securities acts.

SEC

Proposed Rule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AD33

4140. CUSTODY OF INVESTMENT COMPANY ASSETS WITH REGISTERED FUTURES COMMISSION MERCHANTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270.17f-6

Legal Deadline: None

Abstract: The Division of Investment Management is considering recommending rulemaking to permit registered investment companies to maintain initial margin and excess variation margin in the custody of certain futures commission merchants if appropriate conditions can be developed to ensure the safety and integrity of the assets thus maintained.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Christopher Sprague, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7779

RIN: 3235–AD34

4141. EXEMPTION FROM REGISTRATION UNDER THE ADVISERS ACT FOR CERTAIN SMALLER INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6A

CFR Citation: 17 CFR 275.203(b)(1) -1; 17 CFR 275.203(b)(3) -2

Legal Deadline: None

Abstract: The Commission proposed rules that, if adopted would exempt smaller investment advisers from most federal adviser regulation, other than the general antifraud provisions, if the advisers are registered in all states in which they do business. The proposed exemptions should significantly diminish the costs and paperwork associated with dual federal and state regulation of small advisory businesses. The proposed rules would rely on the states to assume responsibility for the detailed regulation that, at the federal level, would no longer be applicable to small advisers exempt under these rules. The proposed rules, which include both an interstate and an intrastate exemption, would determine eligibility for the exemptions by reference to the size of the adviser's business; whether the adviser has custody of client funds or securities; and whether the adviser is registered as an adviser in the state or states in which it does business. The proposed exemptions, together with the amendment of several rules, would eliminate costs of registration and reporting as well as compliance with the brochure rule, the recordkeeping rule, the performance for rule, the cash (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 36997
NPRM Comment Period End	11/22/88	
Reproposal	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: solicitation rule, the advertising rule, and the Act's regulation of principal and agency cross transactions for advisers exempt under the proposed rules that choose not to register or to deregister with the Commission.

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD38

4142. REVISIONS TO RULES 485 AND 486

Legal Authority: 15 USC 77g; 15 USC 77h; 15 USC 77s(2); 15 USC 78d-1; 15 USC 78d-2; 15 USC 802-37

CFR Citation: 17 CFR 230.485; 17 CFR 230.486; 17 CFR 200.30-5

Legal Deadline: None

Abstract: The Commission is considering proposing revisions that would make changes in the circumstances under which post effective amendments to registration statements may become effective pursuant to rules 485 and 486 and would permit the Commission to suspend use of rules 485(b) and 486(b) in cases of misuse of those rules.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD55

4143. REVISIONS TO ANNUAL REPORT TO SHAREHOLDERS

Legal Authority: 15 USC 77g; 15 USC 77h; 15 USC 77s(2); 15 USC 802-8; 15 USC 802-29(d); 15 USC 802-30(c); 15 USC 802-37(2)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is considering proposing revisions that would permit mutual funds to provide a summary portfolio schedule to shareholders in their annual reports.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

SEC

Proposed Rule Stage

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD56

4144. ● REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-1; 17 CFR 270.24f-2

Legal Deadline: None

Abstract: Rules 24f-1 and 24f-2 under the Investment Company Act of 1940, respectively, permit certain investment companies to register securities sold in excess of the number of shares included in a registration under the Securities Act of 1933. The changes being considered will clarify operation of certain provisions of the rules with respect to time periods provided therein (by changing the measurement of the time periods from months to days) and by clarifying the filing requirements of Rule 24f-2 in the context of investment company reorganizations.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	
NPRM Comment Period End	12/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kenneth J. Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2097

RIN: 3235–AD64

4145. ● EXEMPTION FROM THE LIMITATION IMPOSED BY SECTION 12 (D)(1)(A) OF THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-37; 15 USC 80c-89; 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.12d1-1

Legal Deadline: None

Abstract: Section 12(d)(1)(a) of the Investment Company Act of 1940 limits registered investment companies in the amount of securities of other investment companies which they may acquire. These restrictions may apply to acquisitions of foreign banks and foreign insurance company securities. The proposed rule would ease restrictions on such acquisitions, providing registered investment companies a broader range of investment policies.

Timetable:

Action	Date	FR Cite
NPRM	08/02/89	54 FR 31850
NPRM Comment Period End	10/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3042

RIN: 3235–AD65

4146. ● AMENDMENTS TO RULE 31A-2 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 31(a); 15 USC 38; 15 USC 40

CFR Citation: 17 CFR 270.31a-2

Legal Deadline: None

Abstract: Rule 31a-2 specifies where and how long books and records, required to be maintained by registered investment companies and other person, must be preserved. The Commission is considering whether to propose amendments to the rule to remove any uncertainty concerning record keeping requirements for registered investment companies investing primarily in foreign securities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Rochelle G. Kauffman, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AD66

SECURITIES AND EXCHANGE COMMISSION (SEC)

Final Rule Stage

Accounting Rules

4147. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Legal Deadline: None

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

SEC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry replaced the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235–AB15

4148. INDEPENDENT ACCOUNTANTS - MANDATORY PEER REVIEW

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to its rules that would require accountants' reports included in Commission filings be signed by an independent accountant who has undergone a peer review of its accounting and audit practice within the past three years.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	52 FR 11665
NPRM Comment Period End	09/01/87	52 FR 11665
Final Action	02/28/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AC79

4149. REPORT OF MANAGEMENT'S RESPONSIBILITIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 229; 17 CFR 240; 17 CFR 249; 17 CFR 270; 17 CFR 274

Legal Deadline: None

Abstract: The Commission has proposed rules to require registrants to include a report of management's responsibilities in Forms 10-K and N-SAR and annual reports to security holders. The management report would contain a description or statement of management's responsibilities for the preparation of the registrant's financial statements and other financial information and for establishing and maintaining a system of internal control directly related to financial reporting, with management's assessment of the effectiveness of the registrant's internal control system.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 28009
NPRM Comment Period End	10/24/88	53 FR 28009
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD29

4150. TECHNICAL AMENDMENTS TO REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79 (c) (b); 15 USC 79n; 15 USC 79 (t)a; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to Regulation S-X to conform that regulation to recently adopted changes in generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8202
NPRM Comment Period End	04/28/89	
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Teresa Iannaconi, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD32

Disclosure Rules

4151. ACQUISITIONS OF SUBSTANTIAL AMOUNTS OF SECURITIES AND RELATED ACTIVITIES DURING AND FOLLOWING A TENDER OFFER FOR THOSE SECURITIES

Legal Authority: 15 USC 78c(b); 15 USC 78m(e); 15 USC 78n(d); 15 USC 78w(a); 15 USC 78o(c); 15 USC 78t(b)

CFR Citation: 17 CFR 240.13e-2; 17 CFR 240.14d-11

Legal Deadline: None

Abstract: The Commission proposed Rules 13e-2 and 14d-11 that would require that, subject to certain exceptions, purchases, offers to purchase, arrangements or understandings to purchase and solicitations of offers to sell securities undertaken during and shortly after a tender offer that would increase any person's ownership of the class of securities subject to the tender offer by 10% or more of the class be made in compliance with the statutory provisions and rules applicable to tender offers. The proposed rules would apply to all persons from the formal commencement of a tender offer until 10 business days after the scheduled expiration date. A proposed rule also would subject a bidder to the same requirements from the time it commenced a tender offer by public announcement until it either formally

commenced a tender offer by some other means or 30 business days after it made a subsequent public announcement stating that it had determined not to continue with the tender offer.

Timetable:

Action	Date	FR Cite
ANPRM	07/31/86	51 FR 28096
ANPRM Comment Period End	12/01/86	
NPRM	10/01/87	52 FR 37472
NPRM Comment Period End	12/07/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, DC 20549, **202 272-3097**

RIN: 3235–AA50

4152. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Legal Deadline: None

Abstract: The Commission has proposed major revisions to the procedures for registering employee benefit plan securities on Form S-8. The proposals are intended to reduce costs to registrants by eliminating the need to prepare and file separate documents for federal securities law purposes that duplicate information otherwise provided to plan participants, while assuring timely delivery of information necessary for participants to make informed investment decisions. In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	06/12/89	54 FR 25936
NPRM Comment Period End	08/15/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Murphy, Attorney-Adviser, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235–AB79

4153. RESALE OF RESTRICTED SECURITIES; CHANGES TO METHOD OF DETERMINING HOLDING PERIOD OF RESTRICTED SECURITIES

Legal Authority: 15 USC 77d(1); 15 USC 77d(3); 15 USC 77s(a)

CFR Citation: 17 CFR 230.144A; 17 CFR 230.144; 17 CFR 230.145

Legal Deadline: None

Abstract: The Commission has reproposed for public comment Rule 144A, which would provide a safe harbor exemption from the registration requirements of the Securities Act of 1933 for "qualified institutional buyers" as defined in the Rule. The Commission also has reproposed amendments to Rules 144 and 145 under the Securities Act, which would redefine the required holding period for restricted securities, whether acquired pursuanf to Rule 144 or otherwise.

Timetable:

Action	Date	FR Cite
Original NPRM	10/25/88	53 FR 44016
Extension of comment period	12/02/88	53 FR 50038
NPRM	07/11/89	54 FR 30076
NPRM Comment Period End	09/12/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sara Hanks, Chief, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3246**

RIN: 3235–AC65

4154. PROSPECTUS DELIVERY REQUIREMENTS IN FIRM COMMITMENT UNDERWRITTEN OFFERINGS OF SECURITIES MADE FOR CASH (RULE 433)

Legal Authority: 15 USC 77b(10); 15 USC 77s(a); 15 USC 77j(a)(4); 15 USC 77j(d)

CFR Citation: 17 CFR 230.433

Legal Deadline: None

Abstract: The Commission proposed two alternative versions of a new Rule 433 that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale in a firm commitment offering of securities for cash. Both proposals would permit, if all conditions of the rule are satisfied, the sending of a final prospectus no later than five business days after a confirmation of sale is sent to an investor in such an offering.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	52 FR 29206
NPRM Comment Period End	10/05/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235–AC80

4155. REGULATION 13D-G

Significance: Agency Priority

Legal Authority: 15 USC 78m(d); 15 USC 78m(g); 15 USC 78m(a)

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2; 17 CFR 240.13d-7; 17 CFR 240.13d-101; 17 CFR 240.13d-102

Legal Deadline: None

Abstract: The Commission is proposing revisions to Regulation 13D-G to improve the meaningfulness to investors of filings on Schedule 13D, while at the same time reducing the reporting obligations of non-institutional investors that have a passive investment purpose. In connection with this project, a review

of Rules 13d-1 through 13d-7 and Schedules 13D and 13G will be conducted.

Timetable:

Action	Date	FR Cite
NPRM	03/14/89	54 FR 10552
NPRM Comment Period End	05/15/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Baltz, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD09

4156. REGULATION S - RULES GOVERNING OFFERS AND SALES MADE OUTSIDE THE UNITED STATES WITHOUT REGISTRATION UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77b; 15 USC 77d; 15 USC 77s

CFR Citation: 17 CFR 230.901-906

Legal Deadline: None

Abstract: The Commission has published for comment proposed and reproposed Regulation S intended to clarify the extraterritorial application of the registration provisions of the Securities Act of 1933. The Regulation would provide generally that any offer or sale that occurs outside the United States is not subject to Section 5.

Timetable:

Action	Date	FR Cite
Original NPRM	06/10/88	53 FR 22661
Extension of comment period	08/24/88	53 FR 33147
NPRM	07/11/89	54 FR 30063
NPRM Comment Period End	09/12/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AD23

4157. AUTOMATICALLY EFFECTIVE POST-EFFECTIVE AMENDMENTS FOR ACQUISITIONS BY CERTAIN LIMITED PARTNERSHIPS

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230.465; 17 CFR 230.424; 17 CFR 229.801(c); 17 CFR 230.406

Legal Deadline: None

Abstract: The Commission is proposing for comment two alternative forms of a new Rule 465 that would provide for the automatic effectiveness of post-effective amendments filed by limited partnerships during the distribution period, provided that such amendments relate to significant acquisitions and contain required financial statements, financial information and textual information.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 26718
NPRM Comment Period End	09/12/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Murphy, Attorney-Adviser, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD24

4158. DISCLOSURE OF SIGNIFICANT EQUITY PARTICIPANTS IN CONTROL TRANSACTIONS

Legal Authority: 15 USC 78c(b); 15 USC 78m(d); 15 USC 78n; 15 USC 78v

CFR Citation: 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14a-102; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The proposals are intended to require disclosure of information concerning the identity and background of limited partners and other participants holding significant investments in limited partnerships or other closely held entities or groups of such entities involved with major acquisitions of securities, tender offers, proxy contests and going private transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10360
NPRM Comment Period End	05/12/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard E. Baltz, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD42

Securities Markets and Securities Industry Rules

4159. RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78k(A)-1; 15 USC 78o(c)(1); 15 USC 78o(c)(2); 15 USC 78w(a)

CFR Citation: 17 CFR 240. 15c2-10

Legal Deadline: None

Abstract: The Commission has proposed for comment a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	
NPRM Comment Period End	08/02/89	54 FR 15429

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gordon K. Fuller, Special Counsel, Securities and Exchange Commission, Division of

Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, 202 272-2414

RIN: 3235-AC94

4160. ● CUSTOMER PROTECTION RESERVES AND CUSTODY OF SECURITIES

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-3

Legal Deadline: None

Abstract: Because the borrowing of government securities plays an important role in the government securities market, the Commission believes that, for purposes of the customer protection rule, the categories of instruments that broker-dealer can provide to customer lenders of government securities should be expanded to include certain instruments currently not listed in the rule. Therefore, the Commission has decided to propose for comment an amendment to the customer protection rule that will allow broker- dealers to provide, in addition to the instruments currently listed in the rule, certain government securities as the collateral in government securities borrowings.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	54 FR 10680
NPRM Comment Period End	05/01/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael Jamroz, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2372

RIN: 3235-AD60

4161. ● NET CAPITAL REQUIREMENTS FOR BROKER OR DEALERS

Legal Authority: 15 USC 78o(c)(3); 15 USC 78w

CFR Citation: 17 CFR 240.15c3-1

Legal Deadline: None

Abstract: In response to the October 1987 market break and as a part of its comprehensive market break study, the Division of Market Regulation examined the specialist financial responsibility rules and specialist financial surveillance systems of the various exchanges. As a result, the Commission decided to publish for comment proposed amendments to the net capital rule that, among other things, will make the rule applicable to certain specialists that are now exempt from the rule. In addition to the consequential overall financial accountability and discipline that results from the application of the net capital rule, the Commission believes it would be desirable to have a uniform measure whereby it may review the financial health and liquidity of all specialists at all exchanges.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 315
NPRM Comment Period End	04/03/89	54 FR 9842

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jerry Carpenter, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3128

RIN: 3235-AD62

Investment Management Rules

4162. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-4

Legal Deadline: None

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period End	01/31/81	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235-AA12

4163. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Legal Deadline: None

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as

officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite
NPRM	06/02/80	45 FR 38407

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235–AA16

4164. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None

Abstract: On March 9, 1987, the Commission reproposed for public comment Form N-7, a new form for registering unit investment trusts("UITS") and their securities under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-7 was originally proposed by the Commission on May 14, 1985. Adoption of Form N-7 would (i) codify the disclosure requirements for VITS into one form; (ii) codify the disclosure standards that have been developed for VITS; and (iii) shorten and simplify the prospectus used in connection with the sale of units in both the initial offering and in the secondary market maintained by the sponsor. As reproposed, a one-part prospectus originally proposed, but the prospectus would retain a series specific part and a generic part. The requirement for audited financial statements would be eliminated under certain circumstances. The requirement that registrants include certain third party financial statements in the registration statement would be extended to insurers as well as guarantors of portfolio securities of the trust under the reproposal.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21282
NPRM Comment Period End	12/31/87	
Final Action	12/31/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235–AA47

4165. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-3

Legal Deadline: None

Abstract: On March 9, 1987, the Commission published for public comment a new rule 24f-3 under the Investment Company Act of 1940 that would simplify filing requirements under section 24(f) of the Investment Company Act by allowing a unit investment trust to register an indefinite number of securities solely for secondary market purposes and to pay no registration fee on secondary market sales. The Commission is considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8302
NPRM Comment Period End	05/15/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AC10

4166. PROPOSED AMENDMENTS TO RULES 12B-1 AND 17D-3 UNDER THE INVESTMENT COMPANY ACT OF 1940, AND TO ITEM 7 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-12(b); 15 USC 80a-17(d); 15 USC 80a-39; 15 USC 77a, et seq.

CFR Citation: 17 CFR 270.12b-1; 17 CFR 270.17d-3; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for comment amendments to Rule 12b-1 under the Investment Company Act to redefine the Circumstances under which investment companies may finance distribution of fund assets. The Commission has also proposed amendments to Rule 17d-3 to allow affiliated investment companies to jointly finance distribution activities under certain conditions. Finally, the Commission has proposed amendments to Form N-1A which would require an additional disclosure to be made regarding the amount of payments under distribution plans.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23258
NPRM Comment Period End	12/14/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC11

SEC

Final Rule Stage

4167. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s)(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None

Abstract: The Commission proposed amendments to Rules 134, 436, and 482 under the Securities Act of 1933 on March 14, 1986. The amendments would, if adopted, permit certain investment companies to use in their statutory and omitting prospectuses security ratings assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO's consent to being named pursuant to Section 7 of the Securities Act. The Commission is now considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	05/16/86	51 FR 9838

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AC24

4168. PROPOSED RULE 6C-10 UNDER THE INVESTMENT COMPANY ACT OF 1940 AND AMENDMENT TO ITEM 2 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-22(c); 15 USC 80a-37; 15 USC 80a-39; 15 USC 77a, et. seq.

CFR Citation: 17 CFR 270.6c-10; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for public comment rule 6c-10 under the Investment Company Act to provide a registered open-end management investment company, other than a registered insurance company separate account, and certain related persons with exemptions from the Act to the extent necessary to permit the fund to impose sales loads on a deferred basis. The Commission has also proposed amendments to Form N-1A, the registration statement for funds to accommodate the deferred sales loads that would be permitted if rule 6c-10 is adopted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Proposed rule 6c-10 was formerly included with the proposed amendments to rules 12b-1 and 17d-3 under the Investment Company Act. Proposed rule 6c-10 has been split from that entry to comprise a separate item on the agenda.

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-2048

RIN: 3235–AD18

4169. DIVERSIFICATION BY EXEMPT HOLDING COMPANIES

Legal Authority: 15 USC 79c(a)(1); 15 USC 79t(a)

CFR Citation: 17 CFR 250.17; 17 CFR 250.2; 17 CFR 259.402

Legal Deadline: None

Abstract: Proposed Rule 17 clarifies under what conditions diversification into non-utility enterprises would not be deemed detrimental to the public interest or the interest of investors or consumers within the meaning of the "unless and except" clause of S3(a)(1) of the Public Utility Holding Company Act of 1935. The rule would provide two alternative "safe harbors". A companion proposed amendment to rule 2 under the Act would require after three years from its adoption, claims of exemption under rule 2, in order to be effective, would require that the claimant meet one of the safe harbor provisions of rule 17. Also proposed is an amendment to Form U-3A-2, the statement filed annually by holding companies claiming exemptions under rule 2, that would request information necessary to determine whether a rule 2 claim of exemption by an intrastate holding company was meritorious in light of the requirement added to rule 2. These proposals could significantly increase regulatory compliance costs for those intrastate public utility holding companies that have diversified operations, or that intend to do so. The proposals could require such a company to forego acquisition of an unrelated (con't)

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 6701
NPRM Comment Period End	08/15/89	54 FR 29739

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: non-utility interest or to divest such an interest previously acquired; or alternatively, to seek enactment by the legislature in its state of organization of a utility holding company statute that addresses diversification activities.

Agency Contact: William C. Weeden, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7683

RIN: 3235–AD39

SECURITIES AND EXCHANGE COMMISSION (SEC)

Completed Actions

4170. ● EXEMPTION OF CERTAIN SECURITIES ISSUED BY THE RESOLUTION FUNDING CORPORATION

Significance: Agency Priority

Legal Authority: 15 USC 78w; 15 USC 78b; 15 USC 78c

CFR Citation: 17 CFR 240.3a12-10

Legal Deadline: None

Abstract: Rule 3a12-10 defines certain securities issued by the Resolution Funding Corporation as "exempted securities" for purposes of those provisions of the Exchange Act that by their terms do not apply to an "exempted security" or to "exempted securities."

Timetable:

Action	Date	FR Cite
Final Action	09/13/89	54 FR 37786
Final Action Effective	09/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Edward L. Pittman, Assistant Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235–AD80

4171. MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS

CFR Citation: 17 CFR 229.303; 17 CFR 211; 17 CFR 231; 17 CFR 241; 17 CFR 271

Completed:

Reason	Date	FR Cite
Final Action Interpretive release issued	05/24/89	54 FR 22427
Final Action Effective	05/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul N. Edwards 202 272-3205

RIN: 3235–AD03

4172. DISCLOSURE OF BLOCK REPURCHASES BY AN ISSUER OR AFFILIATE

CFR Citation: 17 CFR 240; 17 CFR 249

Completed:

Reason	Date	FR Cite
The staff has decided not to pursue this proposal at the present time	09/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano 202 272-3097

RIN: 3235–AD25

4173. ● GUIDE 5 UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77s

CFR Citation: 17 CFR 228.801(e)

Legal Deadline: None

Abstract: Guide 5 is intended to provide guidance regarding disclosure to minimize delays in the review of registration statements relating to real estate limited partnerships and also to assist issuers, accountants, attorneys, and others in the preparation of such filings. The Guide does not contain rules of the Commission, nor is it published as bearing the Commission's official approval. Instead, it reflects the policies and practices followed by the Division of Corporation Finance in the administration of the registration requirements of the Securities Act of 1933 regarding real estate limited partnerships.

Timetable:

Action	Date	FR Cite
End Review	08/03/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard W. Bohan, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7931

RIN: 3235–AD73

4174. EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

CFR Citation: None

Completed:

Reason	Date	FR Cite
The staff has decided not to pursue this proposal pending the receipt of more information	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan J. Walters 202 272-2417

RIN: 3235–AC16

4175. RULE 17AD-8 OF THE SECURITIES EXCHANGE ACT

CFR Citation: 17 CFR 240. 17Ad-8

Completed:

Reason	Date	FR Cite
No revisions are being considered at this time	08/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas C. Etter, Jr. 202 272-2782

RIN: 3235–AC29

4176. EXEMPTION OF CERTAIN FOREIGN BROKERS OR DEALERS

Significance: Agency Priority

CFR Citation: 17 CFR 240.15a-6

Completed:

Reason	Date	FR Cite
Final Action	07/11/89	54 FR 30013
Final Action Effective	08/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Polanin, Jr. 202 272-2848

RIN: 3235–AD27

4177. MUNICIPAL SECURITIES DISCLOSURE

Significance: Agency Priority

CFR Citation: 17 CFR 240.15c2-12

Completed:

Reason	Date	FR Cite
Final Action	06/28/89	54 FR 28799
Final Action Effective	01/01/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Edward L. Pittman 202 272-2848

RIN: 3235–AD58

4178. ● SALES PRACTICE REQUIREMENTS FOR CERTAIN LOW-PRICED SECURITIES

Legal Authority: 15 USC 78w; 15 USC 78c; 15 USC 78j; 15 USC 78o

CFR Citation: 17 CFR 240.15c2-6

Legal Deadline: None

Abstract: Rule 15c2-6 is the Commission's response to the widespread incidence of misconduct by some broker-dealers in connection with transactions in equity securities that are not traded on an exchange or NASDAQ, and whose issuers do not meet certain financial standards. The Commission has initiated a number of enforcement actions against such broker-dealers, yet the misconduct has continued. Consequently, the Commission believes that additional regulatory action is necessary to deal more effectively with the problem. Rule 15c2-6 requires broker-dealers who recommend purchases of such securities to obtain written customer agreement to, and make a documented suitability determination for, the purchase. Benefits of the rule include increased investor confidence in covered securities, thereby enhancing broker-dealer activities in the securities, and the capital raising function of their issuers.

Timetable:

Action	Date	FR Cite
Final Action	08/22/89	54 FR 35468
Final Action Effective	01/01/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dan Gray, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235–AD63

4179. AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

CFR Citation: 17 CFR 230.180

Completed:

Reason	Date	FR Cite
The staff has decided not to pursue this proposal at the present time	08/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian P. Kindelan 202 272-2048

RIN: 3235–AA08

4180. PROPOSED RULES 11A-3 AND 11C-1 UNDER THE INVESTMENT COMPANY ACT

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11c-1

Completed:

Reason	Date	FR Cite
Final Action	08/18/89	54 FR 35177

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck 202 272-2048

RIN: 3235–AA14

4181. FORMS FOR FILINGS BY ACCOUNTANTS

CFR Citation: 17 CFR 270.17f-1; 17 CFR 270.17f-2; 17 CFR 275.206(4)-2

Completed:

Reason	Date	FR Cite
Final Action	07/26/89	
Final Action Effective	09/25/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman 202 272-2107

RIN: 3235–AD37

4182. PROPOSED RULE 32A-3 UNDER THE INVESTMENT COMPANY ACT OF 1940

CFR Citation: 17 CFR 270.32a-3

Completed:

Reason	Date	FR Cite
Final Action	07/28/89	54 FR 31329
Final Action Effective	07/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Christopher Sprague 202 272-7779

RIN: 3235–AD57

4183. ● RULE 18F-1, EXEMPTION FROM CERTAIN REQUIREMENTS OF SECTION 18(F)(1) OF THE ACT OF 1940 FOR REGISTERED OPEN-END INVESTMENT COMPANIES WHICH HAVE THE RIGHT TO REDEEM IN KIND

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-18(f); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.18f-1

Legal Deadline: None

Abstract: Rule 18f-1 permits an open-end investment company which has the right to redeem securities of which it is the issuer in assets other than cash to commit itself to pay in cash all requests for redemption by any shareholder of record, limited in amount with respect to each shareholder during any 90 day time period, upon the filing of Form N-18F-1 and upon meeting certain other conditions.

Timetable:

Action	Date	FR Cite
End Review	09/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th

Street., N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD74

4184. ● RULE 23C-1 UNDER THE INVESTMENT COMPANY ACT OF 1940, REPURCHASE OF SECURITIES BY CLOSED-END COMPANIES

Legal Authority: 15 USC 80a

CFR Citation: 17 CFR 270.23c-1

Legal Deadline: None

Abstract: The rule permits a registered closed-end investment company to purchase a security of which it is the issuer, subject to certain conditions. Such transactions would otherwise be prohibited by Section 23(c) of the Investment Company Act.

Timetable:

Action	Date	FR Cite
End Review	09/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street., N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD75

4185. ● RULE 17D-2 UNDER THE INVESTMENT COMPANY ACT OF 1940, FORM FOR REPORT BY SMALL BUSINESS INVESTMENT COMPANY AND AFFILIATED BANK

Legal Authority: 15 USC 80a-17

CFR Citation: 17 CFR 270.17d-2

Legal Deadline: None

Abstract: Rule 17d-2 prescribes Form N-17D-1 as the form for reports required by Rule 17d-1(d)(3) under the Investment Company Act of 1940 to report certain exempt joint enterprises or arrangements between a small business investment company and an affiliated bank.

Timetable:

Action	Date	FR Cite
End Review	09/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street., N. W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD76

4186. ● RULE 8F-1 UNDER ACT OF 1940, FORM FOR APPLICATION BY CERTAIN REGISTERED INVESTMENT COMPANY FOR ORDERS DECLARING THAT SUCH COMPANIES HAVE CEASED TO BE INVESTMENT COMPANY

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.8f-1

Legal Deadline: None

Abstract: Rule 8f-1 prescribes Form N-8F as a short form for application for an order pursuant to section 8(f) of the Investment Company Act of 1940 for an order declaring that a company has ceased to be an Investment Company. The form may only be used under certain limited circumstances specified in the rule.

Timetable:

Action	Date	FR Cite
End Review	09/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street., N.W., Washington, D.C., 202 272-2762

RIN: 3235–AD77

4187. ● RULE 6D-1 UNDER THE INVESTMENT COMPANY ACT OF 1940, EXEMPTION FOR CERTAIN CLOSED-END INVESTMENT COMPANIES

Legal Authority: 15 USC 80a-6

CFR Citation: 17 CFR 270.6d-1

Legal Deadline: None

Abstract: Rule 6d-1 prescribes the information that must be provided in an application for exemption from the Investment Company Act of 1940 filed under section 6(d) of the Act. That section requires the Commission, subject to appropriate terms and conditions, to exempt from the Act certain small closed-end investment companies that make no public offering other than in their own state of organization.

Timetable:

Action	Date	FR Cite
End Review	09/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Carolyn A. Miller, Senior Financial Analyst, Securities and Exchange Commission, Division of Investment Management, 450 5th Street., N.W., Washington, D.C. 20549, 202 272-2762

RIN: 3235–AD78

[FR Doc. 89-22492 Filed 10-27-89; 8:45 am]

BILLING CODE 8010-01-T

SUBJECT INDEX TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

Sequence Number

A

Accidents:
See Safety
Accountants:
Examination certificates, cover sheets 4181
Financial information review by 4107
Peer review 4148
Accounting:
Accountants, peer review 4148
Air carriers 2156
Automated clearing house 2219
Book-entry procedures 3640
Colleges and universities 3451
Computing foreign corporate taxes 2450
Cost principles 3450
Electric borrowers 242
Electric and telephone borrowers 246
Information included in payment requests 3254
Inventory valuation methods 2078
Multiple housing projects 86
Nonaccrual-experience method 2652
Profit and loss method 2718
Rail costing system 3989
State and local governments 3450
Treasury checks 2220
Acquisition regulations:
See Government procurement
Additives:
See Color additives
Food additives
Adjustment assistance:
See Trade adjustment assistance
Administrative practice and procedure:
See also Claims
Environmental impact statements
Equal access to justice
Freedom of information
Privacy
Sunshine Act
Acquisition regulations 1376
Aliens 1373
Appeal procedures:
Board of Veterans Appeals 2936
Bureau of Indian Affairs 1263
Appeals, immigration and naturalization 1412
Appeals and adverse decisions 94, 95
Assessment conference scheduling 1292
Due process rights:
Reduction or termination of VA benefits 2913
Equal Access to Justice Act 600, 1882
Food stamp program, hearings 106
Forest Service appeals 232
Hearing and appeal procedures:
Claims against the Superfund 3212
Coal exploration permits 1135
Comptroller of the Currency 2262
Dates for reschedule 2967
Department of Veterans Affairs 2935
Federal Aviation Administration 1921
Hearing under CERCLA and Emergency planning 3232
Indian affairs 1137
Merit Systems Protection Board 3373
Public land 1134, 1136
Public water supervision program 3079
United States Coast Guard 1740
Law Students 1370
Merchant Marine Act, hearings 2202

Sequence Number

Administrative practice and procedure—Continued
Merit Systems Protection Board:
Debt collection 3370
Handling of classified material 3376
Implementation of Whistleblower Protection Act 3369
Statutory Review Board procedures 3377
Mineral Institutes Program transfer 1368
Minerals Management Service 1271, 1287
Nuclear Regulatory Commission:
Domestic licensing 4085
Hearing modifications 4079
Materials licensing 4081
Office of Secretary, pleadings 4098
OASDI/SSI programs:
Administrative Law Judge decisions on remand 742
Patents and trademarks 437
Personnel actions and appeals:
Implementation of Whistleblower Protection Act 3368
Proceedings before the DOI 1131
Regulatory proceedings of the FMC 3943
Small Business Administration:
Hearings and appeals 3634
Subpoena issuance authority 1424
Timber sales debarment 1355
VA hearings and appeals 2966
Adoption and foster care:
Data collection 688
State performance requirements 682
Advertising:
Air carriers prices 1626
Airline tour prices 1614
All-terrain vehicles 3772
Contractor use to imply Government endorsement 3352
Investment companies 4129
Pesticide product registration of claims 3003
Securities 4141
AFDC:
See Aid to Families with Dependent Children
Affirmative action plans:
See Equal employment opportunity
Aged:
See Medicaid
Medicare
Senior citizens
Supplemental Security Income (SSI)
Agricultural commodities:
See also Specific commodities
Commodity futures
Price support programs
Surplus agricultural commodities
Vegetables
Acreage adjustment program 46, 48
Cotton, extra long staple 11
Cotton 21, 31, 37, 48, 49
Cucumbers, seedless European 7
Dairy products 38
Feed grains 22, 46
Grain 22
Honey 14, 45
Inspection 160, 164
Inspection fees 5
Milk 23, 54
Milk and milk products 6, 38
Overseas donations 184
Peanuts 18, 20, 26, 28, 34, 35, 39, 41, 44, 50
Potatoes, high plains 9
Rice 12, 46, 47

Sequence Number

Agricultural commodities—Continued
Soybean loans ... 29
Soybeans ... 19
Sugar beets and sugarcane ... 17, 30, 53
Sugar imports, market stabilization price ... 182
Sugar imports, quota system ... 183
Tobacco ... 15, 24, 25, 27, 32, 33, 40, 42, 43, 51, 52
Vidalia onions ... 8
Watermelons ... 10
Wheat ... 46, 48
Wool and mohair ... 13, 36
Agricultural research:
Biotechnology ... 64
Cucumbers, seedless European ... 7
Potatoes, high plains ... 9
Vidalia onions ... 8
Watermelons ... 10
Agriculture:
See also Agricultural commodities
Agricultural research
Fertilizers
Foods
Forests and forest products
Pesticides
Range management
Rural areas
Acquisition regulation ... 257
Alien farmworkers ... 1405
Commodity Credit Corporation ... 16
Employees:
Farm loans ... 82
Farm equipment:
Fueled by lead-based gasoline ... 3208
Farm Labor Housing regulations ... 81
Farm loans:
Debt collection ... 3794
Farm property management ... 68
Farm worker housing ... 91
Farmers, exemptions from foreclosure ... 3607
Farmland:
Sale to eligible applicants ... 95
Farmland and Protection Policy Act ... 256
Foreign workers ... 1408, 1429
Pesticides and pests:
Worker protection standards ... 3004
Relocation assistance ... 253
Aid to Families with Dependent Children:
Aliens ... 966
Child support agency IV-D services ... 986
Child support enforcement activities ... 973, 980, 990
Children of minor parents in foster care ... 993
Consistency with Food Stamp program ... 978
Cooperative agreements ... 991
Deficit Reduction Act ... 976
Eligibility factors ... 110
Family Support Act changes ... 970
Food stamp program conformance ... 110
Fraud control program ... 993
Income:
Disregards ... 971, 993
JOBS program ... 987
Medicaid eligibility ... 977
OASDI lump sum and monthly payments treatment ... 731
Payments, scope of ... 974
Permissible State practice-quality control ... 975
Pre-eligibility fraud detection ... 983
Quality control system ... 979
Recipient responsibility ... 969
Resources:
Disregards ... 971
Third party health coverage, cooperation to pursue ... 982
AIDS:
Blood testing:
Anti-HIV proficiency requirements ... 794

Sequence Number

AIDS—Continued
Blood transfusions:
Look-back requirements for HIV risk ... 782
Children:
Medicare coverage ... 897
Drugs, expedited approval ... 796
Evaluation criteria for OASDI/SSI ... 704
Hospital or blood bank notification ... 894
IV drug users:
Methadone treatment ... 795
Presumptive disability in SSI program ... 763
Air carriers:
See also Air rates and fares
Air taxis
Age discrimination against passengers ... 1633
Agreements and applications ... 1656
Anti-trust regulation ... 1649
Aviation exemption procedures ... 1638
Baggage liability notices, international flights ... 1639
Cargo limit, removal ... 2172
Cargo rate change notices ... 1655
Carrier-owned computer reservation systems ... 1610
Cash flows, statement ... 2156
Certification and operations ... 1780
Certification requirements ... 1874
Charter flights:
Military personnel ... 1652
Passenger groups ... 1622
Passengers stranded by ... 1632
Commuter airlines:
Entry and exit requirements ... 1802
Seat restraint systems ... 1800
Traffic and market data reports ... 2130
Commuter airlines ... 1880
Direct flight, definition of ... 1612
Electronic filing of tariffs ... 1644
Flight attendants ... 1852
Flight diversions within metropolitan areas ... 1637
Foreign air carriers:
Bilateral service agreements ... 1653
Government contractors ... 647
Handicapped persons, nondiscrimination ... 1621
High density slot allocation ... 1900
Insurance for taxi operators, US and Canadian ... 1635
Interstate authority, regulation of those with ... 1634
Mail rates, zones for ... 1651
Notices to passengers, at counters ... 1640
Passenger access to emergency exits ... 1789
Passenger emergency drill and exits ... 1788
Passengers:
Ground travel expense when diverted ... 1637
Passengers, consumer protection ... 1613
Preflight inspection of passengers ... 1406
Price advertising ... 1626
Rebates, international fares ... 1623
Repair station requirements ... 1776
Seats, crashworthiness standards ... 1845
Seats ... 2129
Security program for foreign passenger-carrying aircraft ... 1895
Service defaults, consumer protection ... 1643
Smoking ban ... 1899
Smoking notices to passengers ... 1645
Subsidies for service to smaller cities ... 1625
Subsidy claims, interest on ... 1636
Subsidy claims ... 2132
Ticket agents, unfair and deceptive practice ... 1654
Ticket escrow/bond protection ... 1648
Time and mileage guides ... 1631
Tour prices ... 1614
Transport airplanes, airworthiness standards ... 1863
Air fares:
See Air rates and fares
Air pollution control:
Air pollutants ... 3159

Sequence Number

Air pollution control—Continued
Air quality models ... 3165
Ambient air quality standards ... 1289, 3179, 3188
Asbestos ... 3158, 3193
Asbestos products use, phase-out of ... 3030
Asphalt roofing manufacturing plants ... 3141
Benzene ... 3204
Benzene emissions ... 3194
Boilers ... 3187
Cadmium emissions ... 3142
Canadian motor vehicles ... 3170
Carbon monoxide ... 3137
Carbon monoxide emissions ... 3171
Chemicals, manufactured ... 3201
Chemicals, synthetic organic ... 3153
Chromium emissions ... 3160, 3161, 3162, 3190
Coke oven batteries emissions ... 3157
Diesel fuel ... 3173, 3175
Ethylene oxide emissions from sterilization chambers ... 3164
Federal highway and transit programs ... 1951
Fuel and fuel additives ... 3145, 3176
Gasoline, lead-based ... 3208
Gasoline emissions ... 3206
Gasoline metal content ... 3146
Hazardous materials:
Air toxicants, waste ... 3214
Radionuclides ... 3235
Hazardous organics, including carbon tetrachloride ... 3163
Hazardous waste disposal sites:
Air emissions from ... 3178
Heavy-duty engine gasoline emissions ... 3174, 3197
In-use motor vehicle emissions ... 3195
Lead ... 3148
Motor vehicle emissions:
On-board diagnostic systems ... 3168
Motor vehicle emissions ... 3167, 3169, 3198, 3200
Motor vehicle painting ... 3185
Motor vehicle refueling ... 3196
Motor vehicles fueled by methanol ... 3205
Municipal landfills ... 3155
Municipal waste combustors ... 3154
National parks and wilderness areas ... 3151
New source review requirements ... 3152
Nitrogen dioxide ... 3136
Nuclear fuel and radioactive waste ... 3065
Oil and gas operations ... 1269
Outer Continental Shelf ... 1289
Ozone ... 3149
Ozone and carbon monoxide ... 3179, 3188
Particulates, fine ... 3150
Particulates ... 3166
Particulates from mineral processing ... 3189
Particulates in fugitive dust ... 3191
Perchloroethylene ... 3139, 3143
Radionuclides ... 3192
Radon ... 3177
Smokestack height regulations ... 3172
Solvent degreasing ... 3138, 3140, 3144
Stratospheric ozone, protection of ... 3147
Sulfur dioxide ... 3186, 3202
Sulfur oxides ... 3180
Surface coal mining ... 3181
Test procedures ... 3199
Transuranium elements ... 3068
Turbine-engine powered airplanes ... 1842
Vehicle certification ... 3207
Volatile organic compound emissions ... 3182, 3183
Volatile organic compounds ... 3184, 3203
Air rates and fares:
Based on units of time ... 1631
Cargo rate change notices ... 1655
Carriers with interstate authority ... 1634
Contract air fares ... 465
Electronic filing of tariffs ... 1644
Government policy toward premium class travel ... 3329

Sequence Number

Air rates and fares—Continued
Rebating international fares ... 1623
Revised definitions ... 2131
Air safety:
See Aviation safety
Air tariffs:
See Air rates and fares
Air taxis:
Operating rules ... 1875
Regulation ... 1781
Air transportation:
See also Air carriers
Air rates and fares
Air taxis
Aircraft
Airmen
Airports
Airspace
Aviation safety
Navigation (air)
Ports of entry for aliens ... 1410, 1427, 1428
Aircraft:
Airplanes:
Landings in Voyageur NP, MN ... 1208
NPS areas in Alaska closed to ... 1213
Airships (dirigible balloons):
Location of nationality and registration marks ... 1823
Airspace review ... 1919
Airworthiness directives and standards ... 1780-1914
Army airfields, use of ... 532
Balloons ... 1913
Cabin interior flammability standards ... 1829
Certification of ... 1915
Certification and approval ... 1831
Civil:
Export requirements ... 311
Commuter category entry and exit ... 1802
Contractor acquisition standards ... 633
Energy management regulations ... 632
Flight restrictions during air to ground searches ... 1917
Fuel venting and exhaust-emission requirements ... 1842
Fuel-tank access panel design standards ... 1854
Helicopters:
Instrument flight airworthiness ... 1871
Rotor failure ... 1815
Improved seats retrofit ... 1845
Kites ... 1913
Maintenance:
Technician school rules revision ... 1824
Nationality and registration marks, location of ... 1823
Navy airport traffic area ... 1919
Noise standards ... 1785, 1891
Parts and products certification ... 1779
Protection from electromagnetic fields ... 1832
Radioactive materials ... 2192
Registration of titles and security documents ... 1916
Rockets, unmanned ... 1913
Rotorcraft:
Crash-resistant fuel systems ... 1819
Engine power ratings ... 1814
European acceptance of FAA standards ... 1816
Occupant restraint systems ... 1849
Rating and certification, one-engine aircraft ... 1827
Shoulder harnesses in ... 1818
Transport category performance ... 1811
Transport category structural fatigue ... 1847
Rotorcraft airworthiness requirements ... 1816
Rotorcraft regulation ... 1862
Single-engine aircraft MEL ... 1855
Small aircraft design ... 1826
Small aircraft powerplant and equipment ... 1830
SST stage 3 noise standards ... 1782
Structure protection during jacking ... 1836
Tiedown standards ... 1836

Sequence Number

Aircraft—Continued
Traffic control systems....1908
Transponder requirements....1905
Transponders with altitude reporting equipment....1841
Transport category:
Airworthiness directives and standards....1863
Buffet and vibration effect on structure....1835
Depressurization effect on structure....1834
Distance between emergency exits....1893
Emergency exits and slides....1787
Engine cowling retention devices....1833
Low speed stall....1838
Pressurized cabins and compartments....1877
Turbine-powered and turboprop:
Ground proximity warning systems....1801
Turboprop engine noise standards....1892
Ultralights....1840
Water landing survival equipment....1843
Windshear detection equipment....1778, 1861
Aircraft pilots:
See Airmen
Airlines:
See Air carriers
Airmen:
Air carrier crewmen:
Training in the use of protective breathing equipment....1912
Aircraft pilots:
Medical standards and certification....1804
Flight attendants:
Training and competency....1852
Flight engineers:
Normal procedure practice test....1909
Pilots:
Certification action based on DWI/DUI convictions....1853
Certification of recreational pilots....1890
Certification requirements....1786
Clearance readbacks while on runways....1822
Drug abuse....1783
Pilots and flight instructors certification....1839
Pilots and other personnel:
Training and certification....1807
Pilots and other personnel standards:
Fingerprinting requirements....2279
Flight crew performance....1791
Flight crewmember training....1898
Qualification program, advanced....1846
Training in use of windshear detection equipment....1861
Airplanes:
See Aircraft
Airports:
Activation and deactivation....1870
Delays, elimination of flight....1850
Eglin Air Force Base, area for civilian use....1878
Essential air service reduction....1625
Explosives detection, checked baggage....1903
Ground vehicle control....1825
High density slot allocation....1900
Ketchikan International, traffic rule....1821
Radar service area clarification....1922
Radio communication, two-way....1922
Takeoffs on wet or contaminated runways....1809
Terminal control areas:
Baltimore, MD TCA, establishment of....1901
Charlotte, NC TCA, establishment of....1902
Global positioning system use within....1918
Houston Hobby, TX TCA, establishment of....1795
Memphis, TN TCA, establishment of....1859
Navigation equipment for flights within....1894
Navigation equipment required within....1860
Operations within....1866
Orlando, FL TCA, establishment of....1794
Phoenix, AZ, establishment of....1857
Salt Lake City, UT TCA, establishment of....1858
Tampa, FL TCA, establishment of....1796
Transponder equipment for flights within....1897

Sequence Number

Airports—Continued
Terminal control areas—Continued
Washington Tri-Area TCA, establishment of....1793
Traffic control clearance, readback by pilot....1822
Traffic control systems....1908
Traffic control tower facilities....1856
Washington metropolitan area:
Operational ceilings....1888
X-ray of carry-on baggage....1797
Airspace:
Air Defense Identification Zones....1841
Aircraft transponder requirements....1905
Airspace review recommendations, national....1907
Establishment of Baltimore, MD TCA....1901
Establishment of Charlotte, NC TCA....1902
Establishment of Houston Hobby, TX TCA....1795
Establishment of Memphis, TN TCA....1859
Establishment of Orlando, FL TCA....1794
Establishment of Phoenix, AZ TCA....1857
Establishment of Salt Lake City, UT TCA....1858
Establishment of Tampa, FL TCA....1796
Establishment of Washington Tri-Area TCA....1793
FHWA regulations....1971
Flight plan filing....1790
Flight restrictions in the area of Luke AFB....1923
Flight rules in the Grand Canyon NP vicinity....1920
International designations....1786, 1873
Jacksonville, FL Navy Airport Traffic Area....1919
Jet route actions....1906
Objects affecting navigable airspace....1805
Pilots reports to Ketchikan airport....1821
Regulations, routine issue of....1887
Terminal control areas....1866
Traffic control towers, non-Federal....1817
Transponder use within TCAs....1897
Uncontrolled:
Instrument flight rules....1867
Visual flight rules, U.S. Control Area....1792
Airways:
See Airspace
Airworthiness directives and standards:
See Aircraft
Alaska natives:
See Indians
Alcohol abuse:
Alcohol-free workplace....630
Driving records, obtaining....2017
Drunk-driving-prevention programs....2060
Railroad employees....2110
Transportation industry....1611
VA eligibility....2878, 2929
VA treatment for....2908
Alcohol and alcoholic beverages:
See also Liquors
Wine
Athletes and athletic events, advertising....2223
Brandy treated with wood....2240
Caloric content, labeling and advertising....2234
Donations made by the GSA....3324
Fill standards....2226
Health warning labels....2241
Imports....2225
Labeling and advertising....2239
Recordkeeping requirements....2224
Vodka, standard of identity....2231
Aliens:
See also Citizenship and naturalization
Immigration
Adjustment of status....1441
Agricultural workers, special....1405
Aid to Families with Dependent Children....966
Asylum....1375, 1397
Authentication of records....1430
Benefit fees....1409

Sequence Number

Aliens—Continued
Blood testing....1381
Border crossing cards....1389
Certificate of Citizenship....1438
Certification of original documents....1415
Children, adopted....1438
Classification....1402
Commuters....1442
Dependents....1394
Deportation....1371, 1393, 1396, 1430
Deportation proceedings....1397, 1411, 1413, 1419
Detention....1426
Documentary requirements....1390, 1398, 1443
Employment....1373, 1394, 1395, 1431
English language standard test....1446
Escape from INS custody....1382
Extension of stay....1437
Farmworkers....1408, 1429, 1472, 1485
Fathers, equal treatment....1404
Fee remittances....1384
Felonies, aggravated....1383
Financial assistance....1436
Fines Office, National....1439
Food stamp program....113
Housing....1011
Housing assistance....1009
Immediate and continuous transit....1391
Immediate relative....1380, 1381, 1387, 1388
Immigrant status verification....1432
Immigrants....1443
Immigration service officers....1400
Income taxes....2478, 2738
Information, verification of....1378
Labor certification process....1474
Medicaid....966
Medicaid eligibility....925
Nationality....1375, 1413, 1414, 1416
Nonimmigrant classes....1379-1444
Nonimmigrants....1389, 1421
Permanent residence....1422, 1434
Ports of entry....1410, 1427, 1428
Preference immigrant....1387, 1388
Relative petition....1407
School enrollment....1400
Social security number cards....748
State Legalization Impact Assistance Grants (SLIAG)....972, 992
Student financial assistance....582
Supplemental Security Income (SSI) eligibility....744
Surety bonds....1435
Temporary workers....1399, 1402
Transit without visa....1392
Verification of status....1425
Visa waiver pilot program....1404
Visitors for business or pleasure....1379, 1423
Withholding of deportation proceedings....1375
Amateur radio service:
See Radio
American Indians:
See Indians
Ammunitions:
See Arms and munitions
Anchorage grounds:
See Harbors
Animal diseases:
Quarantine procedures....60
Scrapie....55
Sheep and goats....55
Swine identification....61
Animal drugs:
Approval process....778
Patents term extension....441
Animal feeds:
See also Animal drugs
Poisonous or deleterious substance levels....791

Sequence Number

Animal welfare:
Ante-mortem inspection....144
Cats....62
Dogs....62
Drugs....778
Guinea pigs and hamsters....62
Horses and burros, wild and free roaming....196
NASA activities....3399
Nonhuman primates....62
Standards....63
Transportation of wild mammals and birds....1174
Animals:
See Specific animals
Animal diseases
Animal drugs
Animal feeds
Animal welfare
Pets
Wildlife
Annuities:
See Pensions
Antennas:
See Communications equipment
Antidumping....286, 288, 291
Antiquities:
See Historic preservation
Appeal procedures:
See Administrative practice and procedure
Appliances:
See Household appliances
Apprenticeship programs:
See Manpower training programs
Archaeology:
See Historic preservation
Architectural barriers:
See Handicapped
Archives and records:
See also Classified information
Freedom of information
Health records
Privacy
Reporting and recordkeeping requirements
Credit unions....4005
Disposition of Federal records....3428
Documentation adequacy....3427
Drug-free workplace....3430
Electronic records management standards....3429
Farm Credit Administration:
Release of information....3790, 3791
Fee schedule....3425
Freedom of Information Act....3421, 3432
Genealogical information:
Certificates of Indian ancestry....1245
Microfiche/microfilm records of the NARA....3431
Micrographics management....3422
National Aeronautics and Space Administration....3393, 3410
National Historical Publications and Records Commission....3426, 3430
National Personnel Records Center....3431
Privileged information....2856
Restrictions on access....3421
VA quality assurance program....2856
Armed forces:
See also Specific military departments
Armed forces reserves
Military academies
Military law
Military personnel
Selective service system
Air Force:
Andrews AFB within Washington Tri-Area TCA....1793
Civilian aircraft at Eglin AFB, FL....1878
Flight control in the area of Luke AFB....1923
Armed Services Board of Contract Appeals....505

Sequence Number

Armed forces—Continued
Army:
Transfer of Bridge Program to COE ... 1724
Claims ... 542
Military law ... 531
Military reservations ... 533
Navy:
Airport Traffic Area, Jacksonville, FL ... 1919
Off-base housing ... 452
Permits, fee increase ... 536
Public affairs ... 541
Release of official information ... 540
Selective service regulation ... 3595
Total Quality Management ... 454
Visual information program ... 543
Whistleblower protection ... 453
Armed forces reserves:
Placement of Reserve units ... 481
Service qualifying for VA education benefits ... 2901
Arms and munitions:
Arms, ammo and explosives ... 486
Firearms as collector's items ... 2243
International ... 1600
Nuclear weapons ... 621
Arts and crafts:
See Indians-arts and crafts
Asylum:
See Immigration
Atomic energy:
See Nuclear power plants and reactors
Attorneys:
See Lawyers
Auditing:
See Accounting
Authority delegations:
See also Organization and functions (Government agencies)
Civil rights ... 3383
Federal Deposit Insurance Corporation:
For the pledge of assets requirement ... 3882
To act on applications ... 3876
Federal home loan banks:
To supervisory agents ... 3926
HUD, heads of offices ... 1102
In procurement ... 3245
To insure agency functioning ... 2980
USCG Area Commanders:
Maritime Defense Zone Commanders, authority as ... 1737
VA employee inventions ... 2968
Automatic data processing:
See Computer technology
Automobiles:
See Motor vehicles
Aviation safety:
Accident investigations ... 1896
Air carrier, certification and operations ... 1780
Air taxi operations ... 1781
Aircraft airworthiness certification:
Primary category aircraft ... 1840
Aircraft improved seats retrofit ... 1845
Airspace review recommendations, national ... 1907
Airspace system, exemption of regulations ... 1864
Airworthiness directives ... 1885
ATC transponders, system tests ... 1911
Bird strike damage ... 1837
Cabin fire protection ... 1848
Cabin interior flammability standards ... 1829
Cabin safety, commuter aircraft ... 1802
Cabins, pressurized ... 1877
Cockpit voice recorder and flight recorders ... 1896
Composite propellors fatigue tests ... 1808
Crash-resistant fuel systems ... 1784, 1819
Crashworthiness program ... 1854
Crashworthy fuel tanks and lines ... 1777
Designated Engineering Organization (DEO) ... 1831
Electrical and electronic systems lighting protection ... 1881

Sequence Number

Aviation safety—Continued
Emergency exits, access to ... 1789
Emergency exits, transport airplanes ... 1893
Emergency exits and PA system ... 1788
Emergency exits and slides ... 1787
Emergency locator transmitters ... 1798
Engine control systems ... 1868
Engine fuel and induction systems ... 1813
Equipment, minimum list ... 1855
Exit row seating ... 1844
Explosives detection, checked baggage ... 1903
Fatigue integrity of small airplanes ... 1865
Flight crew performance ... 1791
Flight crewmember training ... 1898
Flight rules, instrument ... 1884
Flight rules ... 1886, 1910
Fuel tank vent protection ... 1806
Ground proximity warning systems ... 1801
Hazards to air navigation ... 1805
Helicopter rotor failure ... 1815
Inert gas used in tire inflation ... 1803
Landing gear aural warning ... 1820
Low-fuel-quantity alerting system ... 1869
Maintenance agreements ... 1872
Nighttime VFR weather minimums ... 1867
Occupant restraint systems in rotorcraft ... 1849
Operational regulations ... 1812
Pilot medical certificate expiration ... 1853
Power source for public address system ... 1851
Seat restraint systems ... 1800
Shoulder harnesses in rotorcraft ... 1818
Subsonic airplanes, high altitude operation ... 1810
Transport category airworthiness standards ... 1863
Visual flight rules, U.S. Control Area ... 1792
Voice communication radios, antiblocking devices ... 1914
Water landing survival equipment ... 1843
Wet and contaminated runways, takeoff on ... 1809
X-ray of carry-on baggage ... 1797

B

Baggage:
See Freight
Balloons:
See Aircraft
Bank deposit insurance:
Assessment of saving associations:
Funding for FIRREA ... 3880
Delegations of authority to act on applications ... 3876
Deposit liabilities, definition of ... 3878
Determining coverage of deposit accounts ... 3868
FDIC investigative files and records ... 3879
FDIC meetings of the Board of Directors:
Public observation of meetings ... 3867
Foreign depositors ... 3882
Insider trading guidelines ... 3870
Institutions' compliance with FIRREA:
Institutions' advertisement of membership in the FDIC ... 3871, 3881
Insurance limits for investment trusts ... 3877
Nontraditional activity of nonmember banks ... 3869
Policies of the FDIC regarding information disclosure ... 3866
Rapid growth prior notice ... 3874
Salary offset procedures ... 3872
Securities exchange regulations ... 3875
Securities recordkeeping by nonmember banks ... 3873
Bankruptcy:
RCRA financial responsibility ... 3104
Scheduled air carriers ... 1643, 1648

Sequence Number

Banks, banking:
See also Bank deposit insurance
Credit
Electronic funds transfers
Federal home loan banks
Foreign banking
Savings and loan associations
Adversary adjudications....3799
Advertising....3957
Air charter passenger funds....1622
Armored car transportation....3961
Availability of funds....3970, 3971
Bank holding companies....3958, 3959, 3960, 3961, 3966
Book-entry securities of GNMA....1094
Capital regulations....2259
Check collection system....3969, 3972
Collection of checks....3970, 3971
Collective investment funds....2245
Competitive Equality Banking Act....3901, 3903, 3919
Conservators and receivers....2263
Control, change in....3958, 3960
Corporate activities....2258, 2260
Credit, brokers and dealers....3953
Credit, irrevocable letter of....211
Credit....3949
Credit cards....3968
Crime reporting....2264
Direct lending institutions affiliated with the FCA:
Guidelines for financing agreements....3797
Electronic fund transfers....3948
Eligibility for and financing of loans....3798
Equal credit opportunity....3955
Farm credit:
Borrower rights....3793
Debt collection....3794
District Director Compensation....3791
Information, release of....3790
Loans....3802
Organization....3795
Personnel administration....3802
Prior approval....3802
Farm Credit Administration:
Charter termination....3800
Federal home loan banks:
Affiliate transaction....3903
Fiduciary powers of national banks....2245, 2249
Financial disclosure....2247, 2248, 4102
Foreign missions....1597
Government installations....477
Home mortgage disclosure....3947
Identification requirements....2212
Interest on deposits....3957
International....3950, 3951, 3963, 3964
Lending limits....2252, 2261, 3801
Loans....247
Mergers....2251
Messenger services....2257
Monetary instruments, definitions....2214
Personal property leasing....2255
Personnel administration....3796
Private sector presentment....3954
Real estate....3958, 3959
Recordkeeping and confirmations....2256
Reporting and recordkeeping....2211
Reporting and recordkeeping requirements....2215
Reserve requirements....3956
Rural electrification....247
Securities....3949
Security devices and procedures....3952
State banks....3959
Supervision of operations....2250
Teller machines, Government installations....476
Thrift institutions....3966
Truth-in-lending....3967, 3968
Wire transfer systems, risk on large-dollar....3962

Sequence Number

Barges:
See Cargo vessels
Barrels:
See Packaging and containers
Beaches:
See Seashores
Beef:
See Meat and meat products
Beverages:
See Alcohol and alcoholic beverages
Fruit juices
Vegetable juices
Biologics:
See also Blood
Adverse experience reporting....779
Interstate shipment....769
Vaccine information....770
Birds:
See Wildlife
Blind:
See also Medicaid
Supplemental Security Income (SSI)
Airline passengers....1621
Blood:
Anti-HIV testing....794
Hepatitis testing....794
Look-back requirements for HIV risk....782
Notification of administration of potentially HIV infectious....894
Safety standards....777
Testing proficiency requirements....794
Boats and boating safety:
See Marine safety
Navigation (water)
Bonding:
See Surety bonds
Bonds:
Private activity....2350
Tax-exempt....2349, 2585
U.S. savings bonds....2344
Bridges:
Highway:
Railing design....1974
Waterways:
Permit regulation transfer to Army COE....1724
Broadcasting:
See Public broadcasting
Radio
Television
Brokers:
Net capital requirements....4122
Net capital rule....4161
Real estate....2429, 2694
Reporting requirements....2777
Sales practice requirements....4178
Buildings:
See also Federal buildings and facilities
Handicapped access....208
New, energy performance standards....612, 615
Buses:
See also Motor carriers
Motor vehicles
School:
Body joint strength....2025
Flammability of interior materials....2008
Fuel system integrity, upgrade....2013
Operations....2118
Rearview mirrors....2016
Seating and crash protection....2084
Stop-signal arms....2015
Window retention and release....2012
Testing guidelines....2121

Sequence Number

Business and industry:
See also Specific industries
Accounting
Advertising
Bankruptcy
Confidential business information
Indians-business and finance
Labeling
Labor
Minority businesses
Packaging and containers
Relocation assistance
Small business
Taxes
Trade practices
Trademarks
Warranties
Aircraft, aircraft engines and propellors:
Product type design changes....1915
Aircraft, transport category:
Distance between emergency exits....1893
Aircraft products and parts:
Type, production and airworthiness certificates....1779
American vendors....1607
Asbestos milling, manufacturing and fabricating....3193
Asphalt roofing materials....3141
Certificate of Competency....3609
Chemical manufacturing....3012, 3019, 3023, 3027
Chemicals:
Plant site data for TSCA inventory....3026
Chemicals, synthetic organic, emissions control....3183
Chemicals, synthetic organic, manufacture of....3182
Chromium electroplating....3162
Control of PMN chemicals....3013
Dry cleaning:
Carbon tetrachloride emissions....3163
Perchloroethylene....3139, 3143
GSA purchase of commercial products....3320
Industrial process cooling towers....3161, 3190
Industrial sources of benzene....3194
Manufacture of acrylate/methacrylate....3014
Mergers and acquisitions....2387
Mineral processing....3189
Motor vehicle manufacturing:
Buses withdrawn from Noise Control rules....3082
Emission standards....3198
Gasoline emission standards and warranties....3206
Light-duty truck emission standards....3169
Methanol-fueled, emissions standards....3205
Painting....3185
Penalty payment, heavy-duty engine emissions....3174
Trading emission credits....3197
Organic polymer and resin manufacture....3184
Pharmaceuticals:
Pollution standards....3033
Polychlorinated biphenyls (PCBs):
Exemptions for commercial use of....3024
Polymeric compound coatings....3203
Pulp, paper and paperboard:
Effluents in the water supply....3035
Radionuclide emissions....3192
Rural air development....466
Seafood....404
Shipbuilding:
Asbestos banned in ship construction....1732
Navigation bridge design....1734
Stainless steel flatware....3357
Standards:
Vessel piping....1722
Timber sales contracts....201
Use of organic solvent cleaners....3138, 3140, 3144

Sequence Number

C

Cancer:
See also Specific hazardous materials
Drugs, expedited approval....796
In radiation-exposed veterans....2952
Palladium-103 as treatment....4074
Cargo:
See Freight
Cargo vessels:
See also Maritime carriers
Barges:
Carrying hazardous bulk cargo....1751
Pressure tanks, liquids and liquefied gases....1730
Tow regulation, Gulf Inland Waterway....1686
Cargo preference....2205
Dry cargo carriers:
Subdivision and damage stability standards....1658
Frequently carried hazardous bulk cargoes....1698
Gear inspection and testing....1741
Tank vessels:
Cargoes which may be carried....1733
Merchant, breathing apparatus....1688
Oil pollution....1728
Oil pollution prevention....1715
Qualifications of personnel....1670, 1770
Safety rules, hazardous liquid chemical cargoes....1683
Vapor control systems safety standards....1669
Tankers:
Liquefied gas, safety standards....1677
Pollution prevention, hazardous liquids....1752
Pollution prevention....1675
Cemeteries:
Burial agreements....2862
Contractor bids for monuments....2964
Group memorials in....2902
Charter buses:
See Buses
Motor carriers
Motor vehicles
Checks:
See Banks, banking
Chemicals:
See also Specific chemicals
Drugs
Fertilizers
Hazardous materials
Pesticides
Acrylate/methacrylate....3014
Assessment information rule....3027
Chlorinated aliphatic hydrocarbons identified as hazardous....3125
Chlorinated solvents....3006
Chlorotoluene waste identified as hazardous....3092
Cyanide:
Levels in manufacturing waste streams....3036
Drinking water regulations....3077
Extremely hazardous, delisting....3230
Formaldehyde....3017
Hazardous chemicals inventory reports....3231
Health and safety reporting rule....3019
Inorganic and organic in drinking water....3074
Manufacture of....3201
New, follow-up process....3029
New source review requirements....3152
New use rules for PMNs....3013
Peak release reporting rule....3008
Pesticide effects testing....3021
Polychlorinated biphenyls (PCBs):
Scrap metal recycling regulations....3007
Polychlorinated biphenyls (PCBs)....3024
Synthetic organic....3153
Test rules....3009, 3022
Toxic substances, monitoring for....3012
Toxic substances....2999

Sequence Number

Chemicals—Continued
Toxic substances in new chemicals....3023
Toxicity profiles....3010
TSCA inventory....3026
Unsymmetrical dimethyl hydrazine identified as hazardous....3124
Child abuse:
See Child welfare
Child labor:
Hazardous occupations....1456
Schooling, and well-being....1456
Child support:
$50 disregard....968
AFDC termination, Medicaid extension....977
Collections distribution....965
Enforcement programs....973, 980, 936, 990
Family Support Act....967, 968, 969, 973
Government employees....3491
Paternity establishment....968, 969
Retroactive modification of arrearages....969
Wage withholding....967
Child welfare:
See also Aid to Families with Dependent Children
Child labor
Child support
Day care
Programs of the BIA....1242
State performance requirements....682
Children:
See Infants and children
Cigars and cigarettes:
See also Smoking
Reporting and recordkeeping requirements....2228
Smoking prohibited on scheduled airline flights....1899
Citizens band radio service:
See Radio
Citizenship and naturalization:
See also Aliens
Immigration
Agricultural workers, special....1405, 1408
Aliens....1375-1442
Appeals....1412
Asylum procedures....1375, 1397
Certificate of Citizenship....1438
Certification of original documents....1415
Certifications....1412
Children, adopted alien....1438
Commuters....1442
Deportation proceedings....1411, 1416, 1419
Documentary requirements....1433
English language standard test....1446
Escape from INS custody....1382
Fathers, equal treatment....1404
Fee remittances....1384
Fee schedule....1398
Financial assistance....1436
Fines Office, National....1439
Freedom of information....1420
Immediate relative....1387, 1388
Information, verification of....1378
Nationality....1414
Nonimmigrant classes....1379, 1385, 1386, 1395, 1399, 1417, 1437, 144
Nonimmigrants....1389
Precedents....1412
Relative petitions....1407
Representation by law students....1370
Residence....1422, 1434, 1436
Surety bonds....1435
Treaty traders and investors....1385, 1444
Violations, controlled substance....1419
Visitors for business or pleasure....1379, 1423
Withholding of deportation proceedings....1375
Civil defense:
See also Disaster assistance
Comprehensive cooperative agreement....3277
Early warning indicators....3293

Sequence Number

Civil defense—Continued
Executive reserve....3285
National emergency....3296
Personnel use for disasters....3283
Radiological emergency....3274, 3275, 3297, 3303
State and local emergency management assistance....3289
Civil rights:
See also Equal educational opportunity
Equal employment opportunity
Fair housing
Sex discrimination
Age, nondiscrimination....1369
Authority delegations....3383
Economic development districts....275
Education....1452
Fair housing....4011
Federally-assisted programs....3394
Freedom of information....2970
Nondiscrimination:
Activities assisted by the NEH....3439
Age....1633
Age discrimination....1630
By activities assisted by the NEA....3435
Education of handicapped....547
Handicapped....1619, 2984, 3395
Nondiscrimination....1650, 2969, 2971, 2972, 3290, 3307
Peace Corps employees....3548
Peace Corps Volunteers....3544
Sex discrimination....3386
Transportation, Department of....1627
Veterans education....2865
Civil service system:
See Government employees
Claims:
Adjudication:
Creditor claims against credit unions....4020
Administrative offset....1004
Aeronautical chart and map publishers....1879
Against S&Ls in liquidation....3927
Against VA employees....2904
Against VA health care workers....2939
Based on exposure to dioxin....2892
Based on radiation exposure....2910
Collection by the NEA....3434, 3436
Commodity Credit Corporation....16
Environmental Superfund....3238
Fishermen's Protective Act....1599
Guaranty claim payment by VA....2951
Limitations....2957
Medical malpractice....2857
Medical opinions....2883
Monetary, processing....3413
National Contingency Plan for hazardous wastes....3227
Negligent HUD inspection....1065
Policies and procedures....542
Program Fraud Civil Remedies Act....1601
Representatives accredited by the VA....2905
Third party....1615
Third-party....3390
VA assistance to claimants....2897
Veterans....2864
For veterans' health care....2912
Classified information:
Access to....621, 653
Adjudication and procedures....1372
Nuclear Regulatory Commission....4095
Procedures for handling....3376
Clean Air Act:
See Air pollution control
Clean Water Act:
See Water pollution control
Coal:
Coke by-products identified as hazardous....3093
Coke oven by-product emissions....3204

Sequence Number

Coal—Continued
Combustion waste....3084
Competition of noncoal operators....1296
Exploration and mining operations....1337
Exploration permits....1306
Federal Lands Program mining plans....1298
Fees, rents, and royalties....1358
Mine waste disposal....1293, 1310
Rate guidelines for small shippers....3993
Surface mining:
Fees and permits....1295, 1300
On Indian lands....1309
Ownership information....1307
Performance standards....1297
Prohibited within NPs and National Wildlife Refuge System 1303
Reclamation performance standards....1308
Repeal of 2-acre exemption....1291
Surface mining....1293
Coal miners:
See Miners
Coal mines:
See Mine safety and health
Mines
Surface mining
Coastal zone:
See also Continental shelf
Seashores
Estuarine reserve research system....412
Flood control structures....3280
Management....392
Outer Continental Shelf....347
State programs, federally-approved....427
Colleges and universities:
See also Medical and dental schools
Military academies
Student aid
Audits of grantees....673
Grants....1089
Grants to Indian colleges....1235
Inventions licensed by NSF-supported schools....3442
Color additives:
FD&C No. 3....784
Provisionally listed....784
Commercial fisheries:
See Fisheries
Commodities:
See Agricultural commodities
Commodity futures:
Associations:
Review of decisions....3759
Brokers, affiliated....3764
Committee membership eligibility....3763
Dealer options....3765
Employee indemnification....3768
Financial reporting requirements....3758
Hybrid and related instruments....3766
Leverage transactions....3769
Order tickets, floor....3762
Recordkeeping....3767
Risk disclosure statement....3760
Trading card and order collection....3761
Common carriers:
See also Air carriers
Maritime carriers
Motor carriers
Railroads
Cost reimbursement contracts with....3326, 3367
Electronic payment by the GSA....3366
Filing of tariffs electronically....3990
ICC fees for licensing and related services....3999
License application form....3997
Motor carriers:
On US191 within Yellowstone NP....1190
Within Rocky Mountain National Park....1226

Sequence Number

Common carriers—Continued
Rate guidelines for small shippers....3993
Shipment of hazardous materials....3234
Communications:
See also Telecommunications
Address systems, multiple....3861
AM:
Application criteria....3850
Expanded band, domestic....3833
Ground propagation....3849
Interference reduction agreements....3844
Nighttime operation....3843
Random station selection....3845
Skywave propagation....3848
Automatic transmitter identification system....3829
Basic services, deregulation....3805
Bible, Moody....3835
Broadcasters:
Equal employment opportunity....3830
Cable system definition....3842
Cable television cross-ownership....3810
Cable and wire facilities....3803
Carrier rates....3813
Cellular flexibility....3820
Cellular resale policies....3811
Channelization plan....3857
Channels:
Conventional, trunking....3855
Channels 14/69, interference....3837
Circuit equipment....3803
Computing devices....3822
Consumer bands, open up....3816
Contract services....3805
Cordless telephone operation....3826
Cordless telephones....3817
Devices, authorization....3819
Devices, marketing....3816
Disabled persons....3809
Emergency radio private carriers....3856
Emission limits, re-establish....3816
Entrepreneur SMR stations....3852
Equipment, new designs....3818
Equipment....3433, 3807
FM:
Random station selection....3845
Translators....3835, 3838
TV....3836
Upgrade petitions....3840
Foreign companies....3806
Frequencies....3815
Frequency coordination changes....3859
Hearing impaired....3809
Interference problems....3837
Interstate....3812
Jurisdictional separations....3807, 3808, 3812
Licensing, new stations....3864
Licensing....3847
LTTS reallocation....3815
Marketing expenses....3806
Measurement procedures....3822
Mobile-satellite service....3824
Non-stock entities....3841
Off-frequency operation....3862
Operating rules....3814
Packet switched services....3805
Private carriers, licensing....3858
Private land mobile radio....3860
Private land mobile radio services....3827
Public safety national plan....3853
Radiators....3823
Radio ownership rules....3831
Radio transmitting equipment....3829
Receiver labeling....3828

Sequence Number

Communications—Continued
Satellite:
Licensees....3804
Syndicated programming....3846
Television stations....3832
Tracking and data relay....3392
Security devices:
Remote control....3823
Telephone:
Price cap rules....3813
Telephone network....3821
Tone signalling, secondary fixed....3863
TV:
Advanced systems....3839
FM directional antenna....3836
Random selection....3845
Two-year cap....3851
UHF....3827
Vehicle recovery system, stolen....3825
VHF Ship radios....3865
Wireless cameras....3834
Wireline common carriers....3854, 3860
Communist countries:
See Specific countries
Community colleges:
See Colleges and universities
Community development:
See also Urban renewal
Block grant programs....1077, 1078, 1085, 1086
Buildings, design and construction....266
Development policies and procedures....3548
Employees....268
Escrow accounts for contractors....1085
Financial assistance....266, 268, 271
Health centers....803
Impact areas....276
Inspection authority and procedures....3255
Nonrelocation....271
Parks and plazas....3547
Private sector loans sale....270
Property....267, 272
Public works impact areas....269
Rental rehabilitation....1083
Technical assistance....1079
Work-study program....1089
Community facilities:
See also Health facilities
Public works impact areas....269
Compensation:
See Unemployment compensation
Wages
Workers' compensation
Comprehensive Employment and Training Act:
See Manpower training programs
Computer technology:
Electronic data processing:
Airline reservations systems....1610
Federal financial participation....985
Immigrant status verification....1432
Information processing standards:
Applications portability profile....322
Computer system input/output interface....320
Conformance testing policy and procedures....323
Data terminal equipment interface....332
Dictionary system....330, 331, 339
Digital cartographic data....327
Document application profile....335
Electronic business data exchange....321
Fiber Distributed Data Interface (FDDI)....328
Flexible disk cartridge....318, 319
Government Open Systems Interconnection Profile....325
Magnetic tape....319
OSI Transport Layer Security Protocol (SP4)....329
POSIX system....326, 333, 336
Programming languages....317, 334, 338

Sequence Number

Computer technology—Continued
Information processing standards—Continued
Security requirements....324
X Window System....337
Information resources management....3244
Medical uses....773
Personal computers, export requirements....307
Super computer definition....293
Confidential business information:
Billing information....3248
Commercial, disclosure of....2941
Fishery statistics....399
Litigation....2246
Patent disclosure....432
Provided to the EPA....3250
Release of bank customer financial records....3918
Conflicts of interest:
See also Political activities (Government employees)
Financial disclosure requirements:
Executive personnel....3496
Government agency ethics programs....3469
Conservation:
See Fuel economy
Natural resources
Consumer protection:
See also Labeling
Trade practices
Acetonitrile....3779
Air carrier service defaults....1643
All-terrain vehicles....3772
Appliances, energy information....3962
Aspirins....3785
CAB rules review....1613
Child-resistant packaging....3781, 3784, 3786, 3787, 3789
Cigarette lighters, child-resistant....3773
Claims and defenses....3973
Cold-wave permanent kits....3779
Crib toys and mobiles....3777
Drug marketing, regulations....792
Effervescent acetaminophen tablets....3784
Electric hair dryers, hand-held....3776
Electric heat tape....3775
Electronic video games....3782
Emergency planning....3233
Energy efficiency....614, 616
Flammable Fabrics Act....3788
Food store advertising....3984
Franchise rule....3975
Funeral industry....3979
Games of chance advertisements....3976
Hazardous Substances Act, Federal....3771, 3777, 3788
Infant formula quality control....787
Interstate land sales registration....1074
Jar closure requirements....145
Mail order merchandise....3980
Meat and meat products....120, 121, 122, 159, 160, 162, 163, 168
Meat and meat products inspection....164, 180
Meat and poultry inspection....124
Meat and poultry products....142
Medroxyprogesterone acetate tablets....3786, 3787, 3789
Menstrual tampons, labeling....790
Methylene chloride....3783
Nails, products to remove sculptured....3779
Notices to passengers, at counters....1640
Paint, spray....3783
Paint strippers....3783
Pesticides:
Advertising claims....3003
Pharmaceuticals....776
Physical commodities....3765
Poison Prevention Packaging Act....3770, 3779, 3784, 3785, 3786, 3787
Poisonous or deleterious substances in food....791
Poultry and poultry products....121, 122
Premerger notification....3981

Sequence Number

Consumer protection—Continued
Product Safety Act, Consumer....3775, 3776, 3778, 3788
Recall for defects:
Boats and marine engines....1721
Saunas, safety standards....3778
Sewing Machine Rule....3977
Sodium bromate....3779
Tobacco products, smokeless....3978
Toys for children under 3 years of age....3774
Transistor count in radio receivers....3983
Warranties....3974
Waterbeds....3780
Containers:
See Packaging and containers
Continental shelf:
Air quality standards....1289
Fire prevention....1276
Leasing:
Payments, recoupment and refunds....1270
Surety bonds....1280
Navigation aids....1676
Nondiscrimination in employment....1288
Offshore structures:
California coastal oil drilling....1714
Crane design inspection....1723
Crane operator qualifications....1723
Evacuation procedures and standby vessels....1748
Liferaft launching devices....1673
Mobile drilling unit operator licensing....1718
Mobile drilling unit regulations....1682
Navigation lighting....1676
Supply vessel standards....1713
Workplace safety rules....1664
Offshore supply vessels:
USCG inspection in foreign ports....1736
Oil and gas:
Air quality regulations....1269
Air quality standards....1289
Safety and pollution prevention....1283
Training....1272
Standards for oil and gas extraction....3048
Sulphur....1272, 1273
Contracts:
See Government contracts
Controlled substances:
See Drug abuse
Drug traffic control
Cooperative agreements:
See Grant programs
Corporations:
See Business and industry
Cosmetics:
Color additives....784
Methylene chloride....797
Cotton:
Bale packaging materials....31
Loan program....37, 49
Long staple....11
Price support program....21
Countervailing duties....288, 290
Courts:
Indian offenses:
Civil and criminal code revision....1250
Crafts:
See Indians-arts and crafts
Credit:
See also Banks, banking
Credit unions
Mortgages
Credit card purchases....1648
Credit cards:
Government payment to contractors....3316
Transportation purchased with....3335
Debt collection:
Administrative offset....1004

Sequence Number

Credit—Continued
Debt collection—Continued
Education, Department of....552
Debt waivers by VA....2937
Debts:
Collection by the MSPB....3370
Collection by the NEA....3434
Collection by VA....2887
Delinquency of Federal loan applicants....1125
FCA loan debt collection....3794
Owed to the DOT, referral to IRS....1642
Owed to the U.S. by FDIC employees....3872
Salary offset for collection of....3436
Nuclear Regulatory Commission:
Debt collection....4070
Truth-in-lending....3967
Credit unions:
Adjudication of claims....4020
Applications....4017
Chartering policy....4021
Competitive Equality Banking Act....4014
Definition of NCUA regulations....4018
Depositaries and financial agents of the Government....4019
Designation as a low-income credit union....4009
Employee retirement benefits....4007
Fidelity bond coverage....4023
Home improvement loans....4014
Insurance....4023
Investment and deposit activities....4001
Liquidation priorities....4020
Loan participation with other credit unions....4003
Loan purchases....4004
Management official interlocks....4002
Membership policy....4021
Mergers of:
Conversion or termination of insurance....4012
Military installations....478
Mobile home loans....4014
Mortgage loan documentation and standards....4008
Mortgage loans, second....4014
Nondiscrimination requirements....4011
Organization and operation....4024
Ownership of fixed assets....4015
Put options purchase by....4025
Real estate loans and appraisals....4011
Records preservation program....4005
Reserves....4010
Service contracts....4006
Share draft program....4000
Treasury tax and loan accounts....4016
Crime:
See also Drug abuse
Fraud
Alien aggravated felonies....1383
Aliens, deportation for conviction of....1371
Child abuse and neglect....694
Criminal intelligence systems....1449
Drug-related....1115
Environmental Superfund....3239
Felony conviction reduces VA benefits....2883
Forest System lands....205, 206
Government contracts....3456
Justice information systems....1450
Program Fraud Civil Remedies Act....1601
Real estate settlement kickbacks....1059
Crime insurance:
Rate increase....3286, 3302
Critical habitat:
See Endangered and threatened species
Crops:
See Agricultural commodities
Crude oil:
See Petroleum
Cucumbers, seedless European....7

Sequence Number

Currency:
See Foreign currencies
Customs duties and inspection:
See also Antidumping
Countervailing duties
Imports
Automated clearinghouse ... 2280
Brokers ... 2271
Canadian-U.S. free trade agreement ... 2282
Communication satellites ... 3397
Controlled substances ... 2284
Country of origin marking ... 2266
Electronic information ... 2267, 2286
Entry, limit for informal ... 2292
Express consignment industry ... 2289
Harbor maintenance fees ... 2276, 2286
Informers compensation ... 2269
Invoice information ... 2273
Knives, prohibited ... 2272
Kongsberg Trading Company, sanctions ... 2281
Narcotics and marijuana prevention ... 2278
Native American-style arts and crafts:
Country of origin marking ... 2287, 2291
Quota, filling absolute ... 2283
Semiconductor chips ... 2268
Smuggling prevention ... 2285
Statements processing ... 2280
Stores, duty-free ... 2265
Tariff schedules, harmonized ... 2277
Tariffs:
Air overseas military personnel charters ... 1652
Airlines electronic filing by air carriers ... 1644
Automated tariff filing ... 3928
Cancellation ... 3934
Cargo rate change notices ... 1655
Effective date ... 3942
Filing exemption for intra-State service in Hawaii ... 3946
Free time and detention charges published in ... 3940
Per container rates, trans-Pacific ... 3937
Rates quoted subject to booking ... 3932
Unfair and deceptive practice ... 1654
Untariffed NVOCCs ... 3936
Toshiba Machine Company, sanctions ... 2281
Uniformity procedures ... 2293
United States-Israel Free Trade Area ... 2270
User fees ... 2275
Valuations for income taxes ... 2725
Vehicle safety labeling ... 2274
Vehicles, export of used self-propelled ... 2290
Wildlife port-of-entry ... 1173

D

Dairy products:
See Specific dairy products
Dangerous cargo:
See Hazardous materials transportation
Data processing:
See Computer technology
Day care:
At VA facilities ... 2855
Food program ... 114
Handicapped children ... 596
Military dependents ... 480

Sequence Number

Deaf:
See Handicapped
Debts:
See Credit
Declassification:
See Classified information
Deepwater ports:
See Harbors
Defense acquisition regulations:
See Government procurement
Defense contracts:
See Government contracts
Government procurement
Dental health:
Care of former POWs ... 2945
Dental schools:
See Medical and dental schools
Deportation:
See Aliens
Deposit insurance:
See Bank deposit insurance
Desegregation in education:
See Equal educational opportunity
Disability benefits:
See also Railroad retirement
Workers' compensation
Childhood mental disorders listings ... 703
Combined ratings for multiple disabilities ... 2959
Consultative examinations ... 734
Disability determinations:
Compliance with Federal law ... 736
Medicaid eligibility ... 911
Parents' income deemed to child ... 709
Railroad employees ... 3564
VA vocational service ... 2877
Disabled:
See Disability benefits
Handicapped
Medicaid
Medicare
Supplemental Security Income (SSI)
Disaster assistance:
See also Civil defense
Emergency medical services
Agricultural commodities ... 2976
Disaster Unemployment Assistance Program (DUA) ... 1479
Drought ... 93, 1316
Emergency authority ... 3294
Emergency food assistance ... 105
Great Lakes area ... 3299
Hazard mitigation ... 3281, 3295
Housing, temporary ... 3279
Hurricane preparedness ... 3301
Individual programs ... 3287, 3298
National assets protection ... 3282
Nondiscrimination ... 3271
Discrimination:
See Civil rights
Sex discrimination
Discrimination against aged:
See Senior citizens
Discrimination against handicapped:
See Handicapped
Discrimination in education:
See Equal educational opportunity
Discrimination in employment:
See Equal employment opportunity
Discrimination in housing:
See Fair housing
Diseases:
See also Specific diseases
Animal diseases
Orphan drug development ... 780

Sequence Number

Distilled spirits:
See Liquors
Doctors:
See Health professions
Domestic animals:
See Pets
Draft:
See Selective service system
Drawbridges:
See Bridges
Drinking water:
See Water supply
Drought assistance:
See Disaster assistance
Drug abuse:
See also Alcohol abuse
Drug-free workplace....551, 3430, 3437, 3440, 3907
Methadone treatment....795
Programs for DOT contract employees....1617, 1624
Testing personnel, specified aviation activities....1889
VA treatment for....2908
Drug traffic control:
Controlled substances on fishing vessels....1744
FAA regulations assisting in....1783
Federal benefits, denial....995
Federal lands....1366
Drugs:
See also Specific drugs
Animal drugs
Biologics
Over-the-counter drugs
Prescription drugs
Abbreviated application procedures....781
Adverse experience reporting....779
AIDS:
Expedited approval....796
Animal welfare....441
Cancer:
Expedited approval....796
Clinical investigations:
Human subjects protection....789
Deportation proceedings....1419
Drug-free workplace....459, 634
Expedited approval....796
Generic....781
Marketing regulations:
Prescription drugs....792
Medicare coverage....867, 869, 874, 877, 878, 921
Medicare participating pharmacies....876
Medicare payment methodology....873
Orphan drug development....780
Over-the-counter....775
Pharmaceuticals manufacturing....776
Unapproved:
Exports....772

E

Earthquakes:
See Disaster assistance
Ecology:
See Environmental protection
Economic development:
See also Community development
Civil rights....275
Grants, revolving loan fund....274
Hazardous substance liability....273
Impact areas....276
Industrial parks and sites....277
Progress report submission....281

Sequence Number

Education:
See also Colleges and universities
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Equal educational opportunity
Indians-education
Schools
Student aid
Students
Teachers
Vocational education
Administrative regulations....549
Adult....607
Assistance to VA dependents....2924
Bilingual....554
Christa McAuliffe fellowship program....572
Clock hours, conversion to credit....592
College work-study....583
Deprived children....566
Developmental Disabilities Program....693
Disabilities program....606
Dwight D. Eisenhower mathematics and science program....565
Employment services....595
English language standard test....1446
Equal educational opportunity....3638
Even Start program....569
Federal, State, and local partnership....562
Federally-impacted areas....570, 571
Fees for adversary adjudications....609
Foreign institution eligibility....579
Foreign residence requirement....546
Foreign students....1445
Fund:
Improvement and reform of schools and teaching....560
Innovation in education....558
Guaranteed student loans....579, 586, 591, 594
Health Education Assistance Loan (HEAL) program:
Bankruptcies....800
Health Education Assistance Loan (HEAL) program....805, 809, 817
Health professions:
Area Health Education Center Program....798
Geriatric medicine....814
Health Professions Student Loan (HPSL) program....802, 819
Higher Education Act....580, 583, 588, 590, 593
Immigration status confirmation....582
Independent living centers....600
Indians....573, 574, 575, 576, 1264
Industry projects....602
Intergovernmental review....608
Loans....590
Magnet schools....577
Mathematics and Science Education Program....559
Medicare:
Medicare payments....910
Migrant....563, 568, 569
National diffusion network....561
National Health Service Corps Scholarship program....898
Neglected or delinquent children....567
Nondiscrimination....555, 1452, 2903
Nurses:
Post-baccalaureate faculty fellowships....811
Practitioner training....810
Special Projects program....808
Student loans....801, 818
Pell Grant Program....587
Perkins Loan Program....583, 585
Radon contractor proficiency....3177
Rehabilitation services....599, 600, 602
Robert C. Byrd Honors Scholarship program....593
Space grant college and fellowship program....3411

Sequence Number

Education—Continued
Student assistance:
Accountability....589
Immigration status....582
Loan penalties....584
Selective service....581
Verification....580
Surplus real property....545
Teachers....588
Universities audit....3451
VA allowance....2920, 2953
VA eligibility determinations....2873
VA payments for....2874, 2890
VA relationship with State approving agencies....2881
VEAP payments for....2921
Veterans:
Entitlement....2911
Equal opportunity....2863
Vocational rehabilitation program....2948
Veterans' dependents....2958
Veterans' eligibility for....2884, 2928, 2956
Veterans' remedial training....2882, 2883
Vocational rehabilitation services program....597
Women's Educational Equity Act....564
Education of disadvantaged:
Grants....807
Head Start program:
Appeals process....684
Development and administration costs limits....686
Grants selection criteria....683
Handicapped children....692
Performance standards for infants, toddlers, and pregnant women....68
Recruitment, selection, and enrollment of children....685
Staff and program options requirements....691
Education of handicapped:
Assistance to states....603
Deaf-blind children....605
Early intervention program....604
Grants....601
Nondiscrimination....547
Rehabilitation services....598
State operated or supported programs....596
Educational facilities:
Asbestos removal....3259
Compliance with civil rights provisions....2865
Schools:
Indian School Boards....1243
Educational research:
Protection of human subjects....578
Educational study programs:
Department of the Interior:
Sex discrimination....1132
Nondiscrimination....3386
Eggs and egg products:
Mandatory inspection....3
Shell eggs, grading....2
Voluntary inspection and grading....1
Elderly:
See Senior citizens
Elections:
See Political activities (Government employees)
Electric power:
See also Electric power plants
Electric utilities
Hydropower projects....3884
Electric power plants:
Coal combustion wastes....3084
Electric utilities:
Bidding programs....3891
Borrower audits....246
Contracts....245
Independent power producers....3892
National Forest System lands....203
Purchases and sales....3893

Sequence Number

Electric utilities—Continued
Relicensing requirements....3897
Rural, asset sales approval....239
Rural, credit procedures....250
Rural, financial forecasting....238
Rural borrowers, accounting requirements....242
Rural electrification loans....237, 249
Rural telephone loan program....252
Rural telephones....244, 251
Small power facilities....3895
Underground specification and drawings....248
Electronic data processing:
See Computer technology
Electronic funds transfers:
By GSA....3358
Emblems:
See Signs and symbols
Emergency medical services:
Critical occupations....3288
Medicare requirements....915
Scientific and engineering workers....3272
Emergency mobilization:
See Civil defense
Employee benefit plans:
See also Pensions
Airline deregulation....1471
Aliens withholding taxes....2738
Bonding requirements for broker-dealers....1495
Loans....1499
Medical claims....1460
Mergers and acquisitions....2387
Prohibited transaction exemption....1496
Securities registration....4152
Summary Annual Report (SAR)....1492, 1498
Top Hat plans....1491
Employee Retirement Income Security Act:
See Pensions
Employment:
See also Equal employment opportunity
Government employees
Manpower
Agencies, state....1403
Aliens:
Nonimmigrant classes....1417, 1418
Nonimmigrant temporary....1399
Unlawful....1373
Aliens....1394, 1395, 1429, 1431
Disability determinations....3564
Equal opportunity....1451
Food stamp program....112
Foreign agricultural workers:
Labor standards....1463
Handicapped:
Wage rates....1468
Homeworkers in knitted outerwear industry....1461
Jobs for Employable Dependent Individuals (JEDI)....1476
JOBS program participant protection....987
Marginal employment defined....2926
Minimum wage:
Exemption of white-collar workers....1457
Polygraph Protection Act....1464
State employment....1403
Veterans....2947
Employment taxes:
Pensions....2499
Railroad retirement....2757
Real estate agents....2760
Social security tax....2497, 2757
Unemployment repayment....2526
Withholding, backup....2759
Withholding, 30 percent....2435, 2702
Endangered and threatened species:
African elephant ivory trade....1172
Birds....1179

Sequence Number

Endangered and threatened species—Continued
Colorado squawfish....1168
Concho water snake....1187
Convention on International Trade....1140, 1153
Corps of Engineers....534
Critical habitat....1157-1187
Desert tortoise....1156
Endangered Species Act....1167
Grizzly bear:
Hunting of nuisance bears....1152
Guam rails....1176
List, reclassify, or delist....1157-1183
Marine Mammal Protection Act....1167
Marine species....351, 364, 401
Nashville Crayfish....1184
Northern spotted owl....1178
Raptor propagation and falconry regulations....1165
Wildlife, captive bred....1146
Energy:
See also Coal
Electric power
Fuel economy
Natural gas
Petroleum
Pipelines
Acquisition regulation updates....639, 640
Appliance efficiency standards....610, 613, 618
Bidding programs....3891
Classified matter, access to....621, 653
Competition or rates....642
Conservation standards....620
Contractors, cost reimbursable....647
Contracts, awards fee....646
Drug-free workplace....634
Efficiency test procedures....614, 616, 619
Electric power....3889, 3893
Employee standards of conduct....650
Energy conservation....1118
Environmental requirements for contractors....638
Federal buildings and facilities....611
Financial assistance....641, 649
Fraud, waste and abuse....636
Geothermal resources:
Leasing....1323, 1329, 1360
Royalty valuation....1284
Grants and cooperative agreements....644
Health requirements for contractors....638
Human research subjects, protection....625
Hydroelectric projects, relicensing....3897
Hydroelectric projects....3884
Hydropower licenses....3883
Indemnification of employees....655
Independent power producers....3892
Land records, nuclear waste....624
Methanol:
Emissions from motor vehicles....3205
Natural gas, imports and exports....627, 628
Natural gas pipeline....3887, 3894
New buildings....612, 615, 617
Nuclear hazard indemnity....637
Officer representations and certifications....645
Optional certificates....3886
Patents....631, 651, 654
Personal property acquisition....633
Powerplant and industrial fuel....626, 629
Property recordkeeping requirements....648
Research grants, award policies and procedures....623
Research opportunity announcements....642
Safety requirements for contractors....638
Security measures....621, 653
Small power facilities....3895
Standards:
Gas as a cooking fuel....1727
Steam generators:
Sulfur dioxide emissions....3186

Sequence Number

Energy—Continued
Subcontracting....640
Subcontractors....635
Tax refund offset, referral of debts....643
Witnesses in Federal and State proceedings....656
Energy conservation:
See Fuel economy
Engineers:
Marine engineers:
Regulation of....1679
Environmental impact statements:
Mineral operations....1290
R&D actions exempted....3251
Environmental protection:
See also Air pollution control
Environmental impact statements
Natural resources
Noise control
Pesticides
Waste treatment and disposal
Water pollution control
Biotechnology....64
Biotechnology risk assessment....3015
Chlorinated solvents....3006
Commodity fumigation....2133
Community Right-to-Know Act....3255
Competitive acquisitions....3252
Double liner and leachate waste collection system....3129
Field testing....3028
Good laboratory practice standards....3005
Hazard ranking system....3220
Hazardous waste....3097
Housing....998
Inspection authority and procedures....3255
Microbial pesticides....2991
National forest policy....218
National Forest System....204
Natural resources:
Hazardous substance or oil spills....1123, 1124, 1128
Outer Continental Shelf....1289
Particulates, fine....3150
Particulates....3166
Permit applications....535
Pesticides:
Risk and benefit evaluation data....2995
Radioactive materials....3065
Radioactive waste, low-level....3066
Radioactive waste and fuel storage....4051
Radon....4060
Research and development....3251
Shore protection:
Permits for vessels transporting waste....1706
Superfund assistance program....3257
Surface impact of mining operations....1304
Waste disposal permit applications....3041
Waste pile closures....3098
Water pollution control:
Estuary protection....3053
Wilderness areas....204
Environmental taxes:
Petroleum and chemicals....2507
Equal access to justice:
Adversary adjudications....609
Attorney fees....1447
Health and Human Services, Department of....680
Nuclear Regulatory Commission....4059
Equal credit opportunity:
See Credit
Equal educational opportunity....1132, 1452, 3638
Equal employment opportunity:
Age discrimination....3260
Broadcast industry....3830
Complaint procedure....3544, 3546
Complaint processing....3264

Sequence Number

Equal employment opportunity—Continued
Employee selection procedures....3263, 3265
Federal aid programs....1540
Handicapped....3268
Highway construction contractors....1969
Minorities....275
Nondiscrimination....3268
On-the-job training....1933
Outer Continental Shelf....1288
Pension accruals and contributions....3267
Program guidelines....1451
Public broadcasting....672
Recordkeeping regulations....3263
Rules, prepublication clearance....3266
Transportation....1650, 2117
Eskimos:
See Indians
Estate taxes:
Deferral and installment payment....2524
Distribution of trust or estate....2411
Employee stock ownership plans....2386
Estate freezes....2494
Generation shipping....2756
Marital deduction, alien spouse....2495
Survivorship of spouse....2754
Transfer tax....2496
Unified credit....2492
Valuation....2493
Valuation tables....2542
Voting rights, stock....2753
Estates:
Computing accumulated income tax....2413
Estuaries:
See Coastal zone
Ethical conduct:
See Conflicts of interest
Ex parte communications:
See Administrative practice and procedure
Excise taxes:
Chemical substances, imported....2508
Converter dollies....2762
Diesel fuel....2504, 2761
Exempt organizations....2509
Firearm parts and accessories....2506
Fringe benefits....2765
Fuels....2507
Gasoline....2502, 2505, 2532
Greenmail....2550, 2808
Minimum funding....2827
Motor vehicles....2839, 2840
Retirement plans....2510, 2640, 2766, 2769
Vehicles....2763
Windfall profit tax:
Oil property....2767, 2768
Explosives:
See also Hazardous materials
Hazardous materials transportation
Blasting agents, storage and transportation....2227
Exports:
Australian Import Certificate....315
Carbon thermal insulating materials....316
Civil aircraft....311
Commodities, to CoCom countries....312
Commodity Control List....304
Computer equipment....307
Computer technology....330
Controlled items, foreign availability....296
Drugs:
Unapproved....772
Fish or wildlife....1158
Foreign boycott provisions....297
Forest products....1364
Gift parcels....306
Guidelines....305
Honey competition....14, 45

Sequence Number

Exports—Continued
Hong Kong import certificate....308
License forms....310
Licensing requirements....294
Magnetically enhanced sputtering equipment....300
Meat and meat products....149
Medical equipment....295
Natural gas, short-term....627, 628
Pesticides....2996
Petroleum products....299
Reexports:
CoCom countries....313
U.S.-origin goods....302
Sensitive-use commodities and technical data....309
Shipper declarations....303
Shipper export declarations....265
Short supply regulations....299
Super computer definition....293
Technical corrections....314
Temporary....298
Trading companies, size standard....3623
U.S.-origin parts and components....301
Wildlife....1185

F

Fair housing:
Administration....1101
Handicapped....1098, 1099
Nondiscrimination by FHL banks....3924
Program redesign....1100
Protected classes....1092
VA loan guarantees in accordance with....2895
FAR:
See Government procurement
Farmers:
See Agriculture
Federal acquisition regulations:
See Government procurement
Federal aid programs:
See Grant programs
Loan programs
Price support programs
Federal buildings and facilities:
Accessibility standards for handicapped....2938
Army airfield certification and use....532
Assignment and utilization of space....3315
Banking offices....477
Credit unions....478
Energy performance standards....615, 617
Historic preservation....538
Life cycle energy costing....611
Military reservations....533
Teller machines, automated....476
Federal employees:
See Government employees
Federal home loan banks:
Acquisitions of control....3914, 3915
Adjudicatory proceedings....3910
Agency offices outside home State....3908
As special purpose lenders....3922
Assets classification....3919
Bonds for personnel....3911
Capital requirements....3900, 3906
Corporate governance of Federal associations....3916, 3917
Customer financial records release....3918
Debt securities, subordinated....3913
Deductible for fidelity bonds....3902
Director election....3905, 3920
Drug-free workplaces....3907
Equity-risk investments....3912, 3921
Investment portfolio policy....3909
Litigation notices to receivers....3927
Management official interlocks....3923, 3926
Member readmission....3904

Sequence Number

Federal home loan banks—Continued
Mutual savings and loan holding companies....3901
Nondiscrimination in housing....3924
Securities brokerage services....3925
Federal property management regulations:
See Government property management
Federal-State relations:
See Intergovernmental relations
Fellowships:
See Scholarships and fellowships

Fertilizers:
Sewage sludge....3056
Finance:
See Banks, banking
Credit
Indians-business and finance
Investments
Loan programs
Mortgages
Trusts and trustees
Financial disclosure:
See Conflicts of interest
Fines and penalties:
See Penalties

Fire prevention:
Aircraft:
Cabin fire protection....1848
Cabin interior flammability standards....1829
Crash-resistant fuel systems....1784, 1819
Fuel tank access covers....1854
Fuel tank vent protection....1806
Fuel tanks and lines....1777
Fire extinguisher standards....1756
Forest System lands....205
Gas stoves on passenger vessels....1727
Vessels....1671, 1678, 1754
Firearms:
See Arms and munitions

Fish:
See also Endangered and threatened species
Fisheries
Seafood
Endangered and threatened....1157, 1162, 1164, 1166, 1169, 1171, 1175
Federal Aid in Sport Fish program....1149
Hydroelectric licenses....3883
Permit violations....539
Restoration grants....1181
Fisheries:
Alaska groundfish....352, 365, 369, 372, 417
Alaska high seas salmon....352, 354
Alaska pollock....363
Alaska salmon....354, 358
American lobster....356
Atlantic bluefin tuna....384, 405
Atlantic sea scallops....382, 383, 418
Atlantic surf clam....341
Atlantic swordfish....359
Bering Sea/Aleutian Islands....365, 369, 372, 381, 408, 415, 416, 425
Billfish....376
Blue mussel....344
Bluefish....361
Catch limits....425
Clams....341
Coastal migratory pelagic resources....371, 377
Conservation and management statistics....399, 424
Crabs....416, 425
Endangered species....364
Exclusive economic zone....344, 350, 357, 358, 361, 363, 370, 379, 40
Fish processing and fish tender vessel operations....1755
Fishermen's Guarantee Program....407
Flounder....364, 373
Groundfish....342, 352, 365, 369, 372, 381, 408, 409, 415, 417, 423, 425
Halibut....381, 425
King crab....416, 425

Sequence Number

Fisheries—Continued
Klamath River Basin restoration....1147
Lobster....356, 357, 375, 403
Mackerel....414, 420
Management plans....341-426
Marine fishery user fees....340
Marine mammals, incidental taking....366, 406, 1163, 1170
Mexico and South Atlantic Spring Lobster....375
Mussels....344
Northeast multispecies....343, 345
Northern anchovy....378
Observer on domestic fishing vessels....360
Ocean quahog....341
Pacific Coast groundfish....342, 423
Pollock....363
Product standards....348
Red snapper....355
Reef fish....379, 380
Salmon....352, 354, 358, 374, 419, 422, 423
Scallops....418
Scientific research....362
Scup....373
Sea bass....373
Sea scallop....382, 383
Seafood marketing councils....404
Shrimp, Gulf of Mexico....370, 426
Shrimp....421
Slipper lobster....403
Snapper-grouper....379, 380
Special management zone....380
Spiny lobster....357, 403
Spring lobster....375
Striped bass, moratorium....350
Swordfish....353, 359
Tanner crab....416, 425
Vessel safety equipment and operation....1668
Yellowfin tuna....400
Fishing:
At Bighorn Canyon NRA....1225
At Hawaii Volcanoes NP....1199
At Mammoth Cave National Park....1194
At Whiskeytown NRA, CA....1224
Bluefin tuna, Gulf of Mexico....405
Crawfishing....1221
Crayfish and conch at Fort Jefferson, NM....1216
Federal Aid in Sport Fish program....1186
Foreign, poundage and permit fees....367
Foreign....413
In Sequoia and Kings Canyon NPs, CA....1202
License fees:
Interest for conservation projects....1181
Recreational limit....403
Regulation within Katmai NP....1233
Salmon....419
Striped bass, moratorium....350
Vessels, construction fund....368
Vessels, observer policy on domestic....360
Wildlife refuges....1142
Fishing vessels:
Documentation of ownership....1697
Emergency Position Indicating Radio Beacons....1693
Licensing of....1697
Loss of synthetic nets....1719
Regulation of operations....1755
Safety equipment and operating procedures....1668
Summons in lieu of seizure under Anti-Drug Abuse Act....1744
Flood insurance:
Coastal zone....3280
Deductible....3284
Grant program changes....3273
Housing....3291
Housing and Urban Development....1000
Mapping....3292
Rating system....3276

Sequence Number

Flood insurance—Continued
Waterside structures....3278
Floodplains:
Department of Housing and Urban Development....999
Floods:
See Disaster assistance
Follow Through Program:
See Education of disadvantaged
Food:
See also Foods
Distribution program....109, 117
Emergency assistance program....105
Farm Protection Act....256
Poisonous or deleterious substance levels....791
Food additives:
See also Color additives
Sulfiting agents....783
Food assistance programs:
See also Food stamps
Child and adult care....114
Food delivery systems....108
Food grades and standards:
See Meat inspection
Poultry and poultry products
Food ingredients:
See Food additives
Food labeling:
Cholesterol content....786
Fruit or vegetable juices:
Dilution....788
Meat and meat products....171
Nutrition and health information....785
Review of regulations....774
Food stamps:
Administration and management....111
Alien verification....113
Consistency with AFDC program....978
Eligibility factors....110
Employment and training program....112
Employment and training requirements....115
Federal funding requests....116
Hunger Prevention Act:
Quality control....107
Rules for procedure....106
Foods:
See also Specific foods
Fish
Food additives
Food assistance programs
Food labeling
Meat inspection
Meat and meat products
Nutrition
Packaging and containers
Poultry and poultry products
Seafood
Sugar
Vegetables
Infant formula quality control....787
Foreign air carriers:
See Air carriers
Foreign banking:
Banking operations....3951
Credit, brokers and dealers....3953
Equity securities....3950
Foreign missions....1597
International banking operations....3963, 3964
Foreign currencies:
Used to pay VA beneficiaries....2899

Sequence Number

Foreign exchange:
See Foreign currencies
Foreign persons:
See Aliens
Foreign relations:
See also Specific countries
Citizenship and naturalization
Foreign trade
Immigration
Passports and visas
Treaties
Agents records....1448
Arms traffic regulations....1600
Automobile liability insurance....1609
Debarment and suspension....1006
Disposal of personal property abroad....1605
Financial statements....4106
Fishing:
Atlantic bluefin tuna restrictions....405
Foreign direct investment....263
Gifts and decorations....652
Inventions, license requirements....429
Investments....261, 262
Liability insurance fees....1607
School approval....1445
Securities, foreign issuer....4119, 4120
Securities....4135, 4156
Securities acquisition....4145
Securities brokers or dealers....4176
Travel promotion fees....445
Wills, registry of international....1598
Foreign trade:
See also Customs duties and inspection
Exports
Imports
Maritime carriers
Trade agreements
Antidumping duties....286, 288
Apparel tariff-rate quota....287
Boycott provisions....297
Canada....287
Controlled items availability....296
Countervailing duties....288, 290, 291
Export controls....294-316
Firms and industries....289
Metric conversion policy....444
Petroleum products....299
Ports of entry....285
Reexports:
CoCom countries....313
U.S.-origin goods....302
Shipper export declarations....265, 303
Short supply regulations....299
Small businesses, marketing assistance....3632
Statistics....264
Telecommunications....3806
Temporary exports....298
Zones....285
Forests and forest management:
Resource management plans....185
Forests and forest products:
See also National forests
Alaska land use....222
Bicycles....198
Cave resources protection....215
Contract extensions....1344
Credit, irrevocable letter of....211
Fish and wildlife conservation....224
Hang gliders....198
Hell's Canyon....209
Indian allotments....226
Land exchange....199
Mechanical transport definition....198
Mineral fractions, sale....207

Sequence Number

Forests and forest products—Continued
Minerals, common variety....225
Off-road vehicles use....223
Public lands, unlawful removal....1339
Recreation areas....209
Reporting requirements....1361
Ski areas....233
Smokey Bear symbol....186
Solid waste disposal policy....210
Timber industry, size standards....3624
Timber sales:
Conduct of sales....1356
Contract form revision....201
Contract performance bonds....1359
Contracts....1357
Debarment hearings....1355
Defaulted....216
Disposal....190
Douglas-fir lumber price....213
Export and purchase volumes....1364
Financial security....195
Payments, deferral of high-priced....235
Purchasers, suspension and debarment....194
Rates....234
Small business set-aside....200
Surety bond form revision....230
Timber sales contracts....191
Wildlife protection....188
Forfeitures:
See Seizures and forfeitures
Foster care:
See Adoption and foster care
Fraud:
By veteran's fiduciaries....2872
Civil remedies....260, 1601
Debarment of health care providers....3513
Definition of....2950
Fraudulent commercial driver's licenses....1928
Government contracts....636
Investigation by the FDIC....3879
Freedom of information:
See also Confidential business information
Agency for International Development....2977
Archival records....3421
Business confidential information....1455
Commercial information disclosure....2941, 3393, 3410
Confidential business....2073
Energy records or testimony....656
Fee schedule of charges....1398, 2254, 2973, 2982, 2983
Government employees....3517
Immigration and Naturalization Service....1420
Mineral resources....1343
Nuclear Regulatory Commission....4097
Plain English rewrite of regulations....3374
Policies for disclosure....3866
Public information....4033
Regulations revision....853
Schedule of fees....1958
Freedom of Information Act:
Access procedures....3432
Freight:
See also Hazardous materials transportation
Cargo Reference Act....457
Liquified hazardous gas transfer at marine terminals....1701
Prohibited cargoes....3537
Fringe benefits:
See Employee benefit plans
Fruit juices:
Diluted:
Labeling....788
Fruits:
Import restrictions....58

Sequence Number

Fuel:
See Energy
Fuel economy:
Light trucks....2005
Motor vehicles standards....2080
Standard, reconsider....2087
Use of hazardous waste as industrial fuel....3094

G

Garnishment of wages:
See Wages
Gas exploration:
See Oil and gas exploration
Gas reserves:
See Oil and gas reserves
Gas utilities:
See Natural gas
Gases:
See Natural gas
Gasoline:
See also Fuel economy
Dual-fuel passenger cars....2038
Hose pumps....3196
Lead-based gasoline....3208
Metal content....3146
Volatile hydrocarbon emissions....3195
Gift taxes:
Survivorship of spouse....2754
Transfer tax....2496
Unified credit....2492
Valuation tables....2542
Voting rights, stock....2753
Gifts to Government:
See Government property
Glass and glass products:
Restricted use within Lake Mead NRA....1204
Government buildings:
See Federal buildings and facilities
Government contracts:
See also Government procurement
Acquisition regulations....1103, 1377, 1543, 3270
Air carriers....1406
Alaska, Hawaii personnel restrictions....494
Anti-Kickback Act....529
Antidrug program for contractors....1617, 1624
Antifriction bearings....497
Architectural-Engineering evaluations....518
Audit requirements....668
Awards fee....646
Bids:
Construction contracts....484
Nonsworn noncollusion declarations....1972
Bills of lading, electronic payment of....3366
Bills of lading....3655
Buy American Act....3455
Certificate of Competency....3609
Certification of necessity....496
Changes to construction contracts....3361
Claims, Armed Services Board....505
Classified matter, access to....621
Clauses and solicitation provisions....258
Closeout notification....500
Commerce patent regulations....456
Commercial activities....450
Commercial Activities Program....483
Competition, adequate price....491
Competitive threshold....462
Construction....3453
Construction labor standards....499
Contingency contracting overseas....504
Contractor acquisition standards....633
Contractor airlines....647
Contractor performance bonds....3317
Contractor report of orders received....3353

Sequence Number

Government contracts—Continued
Contractors:
Changed work, accountability....446
Disposal of personal property abroad....1605
Contractors, alcohol-free workplace....630
Cost comparison:
Commercial activities....3448
Cost reimbursement-type....3326, 3367
Debarment and suspension....282, 1129, 1604, 3412
Domestic product priority....3455
Dredging program....515
Drug-free workplace....634, 3412
Electric, rural....245
Environmental protection....638
Equal employment opportunity....1969
Estimating system reviews....489
European personnel....472
Federal-aid procedures....1952
Felons, disqualify for employment....509
FHWA engineering and design contracts....1934
First article testing....3354
Fixed price award fees....517
Foreign governments and firms....460
Foreign selling costs....461
Fraud, waste and abuse....636
Gas cylinders, relocate clause....493
GSA Contracting Office Assignment Codes....3355
Hazardous material....490
Health requirements....638
Highway construction....1931, 1965
Hospitals:
Cost principles....658
Incentives for innovation....507
Indian owned enterprises....467
Indians....822
Information systems integration....1462
Internal controls systems....636
Invoice receipt....3453
Mailing list, bidders....501
Management:
Commercial activities....3447
Medicare drug bill processors:
Functions....962
Performance standards....886
Metric conversion policy....444
Minority businesses....3628
Multiple award schedule program....3310, 3350
Multiyear and options....3348
Nondiscrimination....1377
Nondiscrimination and affirmative action....1458
Nondiscrimination in federally assisted programs....679
Nuclear hazard indemnity....637
Nuclear waste disposal....622
Panama Canal....3535
Parts Control Program....521
Patents, policy....631
Payment to contractors by commercial credit card....3316
Penalty payments....3249
Pension portability....3414
Policies and procedures....544
Private expense, proposals....507
Procurement integrity....3456
Progress payment rates....503
Prompt Payment Act....3453
Property recordkeeping....648
Research and development....460, 642, 654
Safety and health standards....1453
Safety requirements....638
Sales, recovery of costs....488
Service Contract Act....530
Service contracts....3417
Shipping weights and dimensions....3645
Short form research contract....485
Small businesses, subcontracting limitations....3603
Small businesses, surety bond fee....3615

Sequence Number

Government contracts—Continued
Source evaluation....259
Soviet inspectors....458
Standardized Military Drawings Program....521
Subcontracting....635, 640
Subcontractors:
Pricing....455
Supplies, inspection and testing of....3351
Taxpayer identification number....3735
Technical data....447
Telecommunications....240
Telephone system construction....241
Threshold, price reasonableness....468
Threshold of DFARS....516
Translation....493
Unit prices, DD250....495
Utility services....3349
Waivers, patent....651
Warranties....471
Work measurement systems....492
World competition....444
Government employees:
See also Conflicts of interest
Military personnel
Political activities (Government employees)
Absence and leave....3495
Acceptance of contractor gratuities....3352
CFTC employee indemnification....3768
Child care at VA facilities....2855
Child development programs....480
Child support and/or alimony....3491
Claims against:
VA health care workers....2939
Classified matter, access to....653
Competitive service selection....3484
Complaints against....2979
Computer security training....3516
Conduct....3536, 4027
Confidential information....3483
Conflict of interest....3497
Cost-of-living allowances in nonforeign areas....3492
Defense industrial personnel....451
Drug-free workplace....459, 3412
Duties and responsibilities....2980
Employee benefit plans....3262
Employment practices....3484
Ethical conduct....3468
Ethics in procurement....1130
Ethics programs....3469
Excepted service....3486
Executive and management development....3464
Farm Credit Administration:
Human resources management....3796
Procedures during adversary actions....3799
Farm loans and assistance....82
Federal Deposit Insurance Corporation:
Salary offset for debt payable to the U.S....3872
Felons, disqualify....509
Financial disclosure requirements:
Executive personnel....3496
Freedom of Information....3517
Grade and pay retention....3489
Health benefits:
Carrier and plan approval....3511
Conversion privilege....3531
Debarment of health care providers....3513
Enrollment changes....3480
Foreign service....3510
Program modification....3481
Rate calculations....3533
Reenrollment....3532
Retirees....3478
Spouses, former....3479
Spouses, former CIA employees....3510

Sequence Number

Government employees—Continued
Health benefits—Continued
Technical corrections....3529
Temporary continuation....3514
Temporary employees....3512
Hiring restrictions....512
Housing reimbursement, return from foreign station....3336
Indemnification....655
Injury:
Restoration rights....3518
Inventions and patent policy, uniform....442
Investigations....3460
Judges:
Agency transfer....3515
Leave coverage for D.C. employees....3493
Leave sharing....3494
Liability Reform and Tort Compensation Act....2904
Life insurance:
Designation of beneficiary....3474
Optional coverage....3527
Removal age 36 barrier....3528
Life insurance....3526
Life insurance for part time employees....3509
Management....3461
Medicare eligible individuals....3530
Merit Systems Protection Board:
Open meetings....3372
Practices and procedures....3369
Privacy regulations....3371
Review of OPM rules....3373
Microfiche/microfilm of NARA pay records....3431
NASA personnel screenings....3406
National Endowment for the Arts:
Salary offset for debt collection....3436
Pay administration....3466
Pay rate, establishing....3487
Pay rates....3524
Pension accruals and contributions....3267
Performance....3462, 3523
Political activity....3467
Position titles....3407
Prevailing rate system....3465
Privacy Act....3371
Procedures for agency functioning....2981
Protection....1352
Recruitment....3408
Responsibility and conduct of NCUA employees....4013
Restrictions, construction....494
Retirement:
Annuity and compensation benefits....3475
Annuity overpayments....3525
Cost-of-living adjustments....3506
Death benefit for part-time employees....3507
Death benefits for spouses....3477
Debt collection....3473
Disability annuitant....3500
Disability benefits....3508
Early....3261
Health benefits....3478
Judges, bankruptcy and magistrates....3498
Judges, insurance exemption....3474
Military service credits and deposits....3470, 3471, 3502
New system, FERS....3504, 3505
Offset service....3472
Personal services contract....3503
Reemployment of annuitants....3476
Spouse Equity Act....3499, 3501
Retirement system:
Thrift Savings Fund....1497, 1500
Security adjudication and procedures....3381
Security standards....3459
Selective Service registration....3485
Senior Executive Service:
Assignment....3457
Employment....3519

Sequence Number

Government employees—Continued
Senior Executive Service—Continued
Performance awards....3488
Removal and placement....3520, 3521
Severance pay....3490
Special....3416
Standards of conduct....650, 1131, 2860, 3424, 3885
Statements of Employment and Financial Interests....2978
Suitability standards....3458
Suspension and removal....3381
Testimony when U.S. is not a party:
Health and Human Services employees....681
Training....3522
Veterans Readjustment Appointment Program....3463
Voluntary leave bank....3495
Witness sequestration....4073
Government procurement:
See also Government contracts
A-E firms, clarify discussions....3705
Abstract of offers standard form....3723
Accounting deficiencies....3712
Accounting information on payment requests....3254
Acquisition of commercial products....3320
Acquisition plans/justification and acceptance....473
Acquisition regulations....257, 1602, 1606, 3310, 3345, 3347, 3349
Administration of....2963
Administrative functions....3746
Agriculture acquisition changes....257
Architect-engineer evaluations....3682
Architect-engineer services....3675, 3683
Audits of contract costs....3703
Automated purchasing systems....509
Automatic data processing equipment....3339
Benefit pension plans....3721
Bids:
Conversion to negotiation....3647
Errors....3730
Guarantees....3738
Late bid rule....3643
Unbalanced proposals....3663
Bills of lading....3655, 3657
Business Opportunity Development Act....3661
Buy American Act, exempt rabbit felt....3668
Buy American Act, exempt rayon yarn....3667
Buy American Act....3665
Buy Indian Act contracting....1257
Canada Free-Trade Agreement....3664
Cemetery monuments....2964
Certification, final proposals....3673
Change to the GSAR, use of attorneys....3363
Change to the GSAR....3356
Commerce Business Daily, single code....3745
Commerce Business Daily....3743
Commercial activities program....443
Commitments, unauthorized....3246
Competition, other than full and open....3669
Computer generated forms....3696
Computer-aided acquisition....470
Confidential billing information....3248
Consignee safety and security....3651
Construction, abstract of offers....3731
Construction....2850, 2931
Consultant costs....3656
Consulting services....2930
Continued performance of services....3727
Contract extensions....2934
Contractor Establishment Codes....3747
Contractors:
Facilities, unwillingness to obtain....3754
Interest on overpayments....3691
Liquidated damages payments....3693
Medical liability insurance....3755
Representation and certification....3646
Spare part prices....3706

Sequence Number

Government procurement—Continued
Contractors—Continued
Supplies, inspection and testing....3680
Women-owned businesses....3700
Contractors, advance notice of shipment....3651
Contracts:
Accounting clause, inclusion....3699
Alternate clause, advance payments....3676
Architect-engineer services....3675
Award notices, clarification....3679
Debts....3726
Educational institutions....3710
Fee payments....3247
Fixed-price....3653
Foreign language translation....3736
Format simplification....3646
Health care services....3725
Incorporation by reference....3711
Indian tribal governments....3710
Make-or-buy procedures, increase threshold....3740
Profit or fee, exception....3677
Service Contract Act....3729
State and local governments....3710
Three party contract....3751
Cost impact proposal....3689
Cost principle, deletion....3757
Costs:
Business combinations....3684
Mergers and other business combinations....3724
Data rights....3253
Debarment and suspension....282, 284, 3412, 3722
Debarred or suspended contractors....3356
Defective pricing cases....3720
Delegations of authority....3245
Delivery order forms....522
Department of the Interior....1126, 1127
Department of Transportation....1620
Direct sales by subcontractors....3717
Domestic preference in....3400
Drug-free workplace....284, 1007, 1604, 3412, 3662
Electronic and automated inventory techniques....3739
Employees hiring restrictions....512
Engineering coverage....3719
Ethics regulation....1130
Evaluation procedure for contract award....3243
Excess quantities threshold....3734
Federal Supply Schedule, update....3744
Fees, master solicitation and award....498
Financial and organization information....3252
FIRMR improvement project....3340
First article testing, waive....3753
Foreign nationals, severance payments....3672
Foreign tax credits....3650
Freight, heavy or bulky....3701
Fund reviews....3748
GSAR revision....3357
Handicapped organizations, set-asides....3694
Hazardous materials....3674
Hazardous materials coverage....3660
Household goods, liability....3690
Industrial Preparedness Planning....520
Information resources management....3244
Insurance....3670
Integrity....3456
Inventory accounting systems....510
Labor surplus area form....519
Litigation costs....3678
Metric conversion policy....444
Minority businesses....1616, 1628, 3628
Multiple awards....3666
Multiple changes to the GSAR....3317, 3319, 3360
Multiple revision to the GSA Acquisition Regulation....3352
Noncompliance with bid guarantee requirements....3317
Nonmanufacturer offerors, size standard....3714
Numbered notes....3743

Sequence Number

Government procurement—Continued
Office of Personnel Management....3482
OFPP Act, procurement requirements....3681
OMB Circular A-76, corrections....3697
Overseas procurements, require certificate....3709
Paperwork provisions....3401, 3402, 3403, 3404, 3405, 3418, 3419
Passenger carriers, restrictions....3703
Patents....3685
Payments, authority to limit....3648
Payments, suspension....3712
Pension costs....3671
Performance reports, simplify....3705
Plant clearance policies....3733
Printing approval....3654
Progress payments....3687
Prompt Payment Act....3741
Prompt Payment Act amendments to the GSAR....3364
Prompt payment clause....3358
Prompt payment requirements....511
Proprietary or source selection data provided to Congress....3318
Protests, filing provisions....3641
Protests-Lehigh instruments....527
Purchase requests, military....502
Purchases and contracts, exception....3702
Purchasing system reviews....475
Quick closeout procedures....3692
Raise threshold, publicized proposals....3644
Record, clarification....3649
Record retention....3649
Regulations, editorial changes....3752
Reporting system, DD Form 350....523, 524
Research and development centers....3642
Revision of the GSAR....3362
Sanctions, export control violations....3686
Sealed bidding....2933
Set-aside award....3749
Shipping characteristics....3707
Shipping weights and dimensions....3645
Small businesses, duties....3750
Small businesses, eligibility....3698
Small businesses, set-aside....3695, 3714
Small businesses, subcontracting limitations....3603
Small purchase limitation....3713
Solicitation notice....3644
Solicitation provisions, GSA Form 3501....3355
Solicitations, electronic requests....3742
Solicitations....3737
Solicitations documents....3718
Sources and products, qualifications....3717
Stay and damages provisions....3716
Subcontract pricing....3732
Subcontracting negotiations....3704
Subcontracting plans....3728
Subcontracting Report for Individual Contracts....3659
Sunset provision FAR 27.400....3756
Supplies, inspection and testing....3680
Supplies, quantity plan....3717
Supplies or services....3715, 4032
Surety procedures, individual....3658
Taxpayer identification number....3735
Telecommunications....3341
Telecommunications resources....3339
Temporary amendments to the GSAR....3318
Threshold increase....3688
Thresholds, change....474
Tooling, special....3653
Total Quality Management....454
Trade representative, U.S....3652
Transportation costs, reimbursement....3655
Use of bid samples....3360
Value and machine tools....508
Vendor prices, historical....528
Veterans administration:
Debarment and suspension procedures....2932

Sequence Number

Government procurement—Continued
Veterans administration—Continued
Review and ratification of contracts....2965
Waivers, blanket....525
Warranties, policies and procedures....3346
Women-owned businesses....3700
Government property:
See also Federal buildings and facilities
Government property management
Antenna installation....3433
Audiovisual resources....3445
Contractor acquisition standards....633
Energy management regulations....632
Foreign gifts and decorations....652
Homeless facilities....1060
Hunting and fishing privileges....533
National Capital Region....3433
Personal property:
Negotiated disposal by sale....3305
Property abandoned or forfeited to the Government:
Donations to charitable institutions....3324
Real property:
Annual inventories....3308
Asset management....3309
Availability to the homeless....3323
Lease disposals to non-Federal entities....3312
Leasehold interests, acquisition of....3359
Leasehold interests, procurement integrity in....3318
Leasehold interests....3347
Sale of surplus....3322
Space reduction initiatives....3308
Rental quarters....3444
Use of attorneys in acquisition and disposal....3363
Government property management:
Real property inventory....3311
Government publications:
Equal employment opportunity rules....3266
Internal Revenue Bulletin....2379
Policies....3443, 3446
Resource management....3446
Uniform Traffic Control Devices manual....1948, 1962
Government securities:
See also Bonds
Customer protection....4160
Restrictions....2355
Government in the Sunshine Act:
See Sunshine Act
Grains:
See also Specific grains
Inspection review....100
Price support program....22
Rapeseed standards....103
Shiplot inspection plan....104
Supply....22
Grant programs:
Block grants:
Information collection....689
Nondiscrimination requirements....671
Reporting requirements....667
Colleges and universities:
Audit requirements....673
Community health centers....803
Construction grant regulations....3046
Education:
Disadvantaged students....807
Family medicine....816
Geriatrics, faculty training....814
Health professions Centers for Excellence....820
Indian colleges....1235
Indian grant policies and procedures....1251
Internal medicine....815
Nurse practitioner and midwifery....810
Nursing Special Projects program....808
Environmental protection:
Estuary program....3053

Sequence Number

Grant programs—Continued
Environmental protection—Continued
Hazardous waste sites....3213
Water pollution control....3051
Fish and wildlife restoration....1181
Government and nonprofit institutions....1541
Health:
State block grant waivers for new health services....767
Health Service Corps:
Loan repayment program....813
Indian health programs....822
Indians:
Economic enterprise grants....1258
Education grant policies and procedures....1251
Water supply....3047, 3061, 3075
Migrant health services....804
National Institutes of Health....827
National Library of Medicine....829
Nondiscrimination:
Basis of age....557
Basis of handicap....556, 1098
Basis of sex....555
Nonprofit organizations:
Audit requirements....673
Public Health Service:
Misconduct procedures....830
Research grants....677
State Legalization Impact Assistance Grants (SLIAG)....972, 992
Transportation:
U.S. territories....1629
Uniform administrative requirements....1641
Uniform administrative requirements....677
Veterans:
Home loan credit standards....2868
State health care facilities....2850
Grant programs-agriculture:
Biotechnology research....64
Housing:
Self-help technical assistance....67
Rural housing....69
Grant programs-economic development:
Community facilities....276, 279
Electric and gas facilities....280
Minority business enterprise....1616
Progress report submission....281
Property liens....272
Public works impact areas....269
Real property acquisition....267
Revolving loan funds....274
Grant programs-education:
Administrative requirements....548, 550
General Education Provisions Act....553
Institutions of higher....3451, 3452
Uniform administrative requirements....3451
Universities....1603
Grant programs-energy:
Awards policies and procedures....623
Grant programs-health:
Hospitals....1603, 3451, 3452
Grant programs-housing and community development:
Community development block grants....1077, 1086
Emergency shelter grants....1087
Housing improvement....1120
Nehemiah Housing Opportunity....1070
Project selection system....1016
Residential rental rehabilitation....1083
Grant programs-natural resources:
Estuarine reserve research system....412
Marine affairs....397
Sea program, national....397
Grant programs-nonprofit organizations....1603, 3451, 3452
Grant programs-transportation:
Pipeline safety....2147

Sequence Number

Grants administration:
Aliens, financial assistance....1436
Business relocation....1090
Cooperative agreements....644
Cost principles, state and local governments....3450
Debarment and suspension....3412
Drug-free workplace....284, 3412, 3440
Drug-free workplace certification....3437
Drug-free workplace rule....3430
Handbook for....3388, 3389, 3420
Hospitals....1104
Management regulations....3426
Merit review of applications....641
Metric conversion policy....444
Nonprofit organizations....1104
Nonrelocation....271
Uniform administrative requirements....263, 548, 644, 1104, 1603, 342
Uniform requirements....3441
Uniform requirements for grants and cooperative agreements....3378
Universities....1104
Grazing lands:
Fee system....227
Grazing on Indian land....1236
National Forest System lands....196, 226
Navaho and Hopi....1253
Guaranteed loans:
See Loan programs
Guarantees:
See Warranties
Guns:
See Arms and munitions

H

Handicapped:
See also Blind
Disability benefits
Education of handicapped
Medicaid
Medicare
Supplemental Security Income (SSI)
Vocational rehabilitation
Air travelers....1621
Architectural barriers:
DOI programs and activities....1133
Building access....266
Children:
Head Start program....692
Construction of buildings to accommodate....2938
Developmental Disabilities Program....693
Discrimination against....3395
Equal employment....3268
Government contracts, nondiscrimination....1377
Housing....1001, 1088, 1092, 1099
Independent living rehabilitation....599
Nondiscrimination:
Commuter rail service....1647
Federally assisted programs....679
Mass transit....1618
Nondiscrimination....1098, 1459, 1619, 2938, 2984, 3306, 3375, 3545
Nondiscrimination policy....2213
Public assistance programs:
Indian adults....1241
Speech and hearing impaired persons:
Access to the Federal Communications System....3344
Vehicle parking, license plates and placards....1930
Vocational rehabilitation....2916, 2947
Handicrafts:
See Indians-arts and crafts
Harbors:
Advance notice of arrival:
Brownsville Ship Channel, TX....1705
Warsaw Pact nationals....1704
Anchorage regulations....1738
Handling liquefied hazardous gas transfer:
Waterfront facilities....1701

Sequence Number

Harbors—Continued
Kings Bay, GA navigation area boundaries....1773
Licensing of pilots....1716
Pilotage areas....1716
Port access routes, approaches to Chesapeake Bay....1660
Port access routes and anchorage, Freeport, TX....1659
Portsmouth, VA ferries....1772
Traffic separation, Galveston Bay approaches....1771
Vessel Traffic Service in New Orleans....1661
Waterfront facilities:
Access documents....1703
Handling and transfer of oil or hazardous liquids....1670, 1770
Vapor control systems on vessels....1669
Hatch Act:
See Political activities (Government employees)
Hazardous materials:
See also Explosives
Hazardous materials transportation
Hazardous waste
Poison prevention
Radioactive materials
Acetylene....2159
Air toxicants, waste....3214
Aluminum cylinders safety problems....2154
Asbestos....1662, 1732, 3158, 3259
Asbestos products use, phase-out of....3030
Asphalt processing....3141
Benzene....1667, 3204
Benzene emissions....3194
Calciner and dryer emissions, mineral processing....3189
Carbon dioxide....2165
Carbon monoxide....3137
Carcinogen release reports....3234
CFC or halon....3147
Chemicals, manufactured....3201
Chemicals, new....3029
Chemicals, synthetic organic....3153
Chlorinated solvents....3006
Chlorotoluene waste....3092
Chromium....3160, 3161, 3162, 3190
Civil penalties....3241, 3259
Coke by-products....3093
Coke-oven batteries....3157
Cost recovery claims....3238
Criminal violations....3239
Damage to natural resources....1123, 1124, 1128
Dimethyl hydrazine, unsymmetrical....3124
Disposition regulations....3325
Elevated temperature materials....2157
Emergency and hazardous chemical inventory forms....3231
Emergency planning....3241
Emergency response actions....3218
Ethylene oxide....3164
Etiologic agents....769
Evaporative hydrocarbon emissions....3167
Extremely hazardous chemicals, delisting of....3230
Federal Acquisition Regulation....3660, 3674
Federally permitted releases....3217
Formaldehyde....3017
Fuel and fuel additives....3176
Fumigation....2133
Gas detection and monitoring....2153
Gas pipeline corrosion....2174
Gases, liquefied, at marine terminals....1701
Gasoline metal content....3146
Good laboratory practice standards....3005, 3028
Government contracts....490
Hazard ranking system....3220
Health effects studies:
Hazardous materials releases and facilities....771
Highway routing standards....2143
Hydrogen sulfide....1353, 2160
Intrastate transportation....2141
Lead....3148

Sequence Number

Hazardous materials—Continued
- Liability ... 273
- Liquid ... 2188
- Methylene chloride ... 797, 3783
- Microbial products (biotechnology) ... 3015
- Microorganisms ... 3016
- New source review requirements ... 3152
- Nitrogen dioxide ... 3136
- Notification of continuous release ... 3216
- Organic polymers and resins ... 3184
- Organics, including chloroform ... 3163
- Packaging standards for transport ... 2137
- Penalties under CERCLA and Emergency Planning ... 3232
- Perchloroethylene ... 3139
- Pesticides ... 2986, 2987, 2988, 2989, 2990, 2992, 3000, 3001, 3002, 3021
- Pesticides disposal and storage ... 2997
- Pipeline safety standards ... 2134, 2144, 2145, 2146, 2168
- Pollution contingency plan ... 3219
- Polychlorinated biphenyls (PCBs) ... 3018, 3024, 3025
- Priorities list ... 3237
- Radioactive ... 2158, 2192
- Radioactive materials ... 4080
- Radiofrequency radiation ... 3070
- Radionuclides ... 3072, 3235
- Radionuclides at disposal sites ... 3067
- Rail carriage ... 2155
- Recycled secondary materials ... 3118
- Registration of shippers and carriers ... 2128
- Reportable quantities, extremely hazardous substances ... 3215
- Rules and regulations review ... 3771
- Solvent degreasing ... 3138, 3140, 3144
- Stored or disposed of on Federal land ... 3228
- Sulfiting agents ... 783
- Sulfur dioxide ... 3186, 3202
- Sulfur oxides ... 3180
- Toxicity characteristic ... 3121
- Transportation:
  - Civil penalty, procedures ... 2193
  - Incident reports ... 2177
- Transportation safety:
  - Cargo tanks ... 2176
  - Emergency response information ... 2184
  - Explosive regulations ... 2178
  - Gas cylinders ... 2169
  - High-pressure seamless cylinders ... 2150
  - LP gas ... 2170
  - Miscellaneous amendments ... 2171
  - Motor vehicle procedures ... 2148
  - Portable tanks ... 2183
  - Private carriers ... 2180
  - Radioactive materials ... 2181, 2182
  - Vessels ... 2179
  - Welded steel cylinders ... 2149
- Transuranium elements ... 3068
- Underground storage tanks ... 3111
- Uranium hexafluoride ... 2185
- Uranium tailings ... 3069
- Volatile organic compounds ... 3182, 3183
- Wood preserving and surface protection waste ... 3116

Hazardous materials transportation:
- *See also* Pipeline safety
- Barge bulk cargo ... 1751
- Biological material ... 769
- Cargo tanks ... 2151
- Fireworks ... 2173
- Liquefied gas and flammable liquids ... 1730
- Liquid cargoes ... 1752
- Marine carriers:
  - Regulation of frequently carried bulk cargoes ... 1698
- Marine carriers of liquid chemicals ... 1683
- Motor carriers:
  - Violations of Section 521(b), Title 49 USC ... 1944
- Oil ... 1670, 1770
- Oil pollution prevention ... 1715
- Safety ... 2137

Sequence Number

Hazardous materials transportation—Continued
- Training ... 2138

Hazardous waste:
- Aluminum can zirconium phosphate ... 3126
- Aqueous hazardous waste discharged to sewers ... 3059
- Burning in boilers and furnaces ... 3094
- Chlorinated aliphatic waste ... 3125
- Coal combustion by electric power plants ... 3084
- Containerized liquids in landfills ... 3127
- De minimis exemption levels ... 3089
- Delisting petitions ... 3091
- Disposal facilities:
  - Air emissions from ... 3178
  - Experimental facilities, research and development ... 3101
  - Groundwater, releases to ... 3102
- Disposal sites:
  - National priorities list ... 3222, 3236
  - Priorities list ... 3237
- Emergency response to releases ... 3229
- Federal facilities responsibilities ... 3210
- Geologic repositories ... 4064, 4083
- Geologic repository licensing ... 4052, 4055, 4093
- Groundwater monitoring ... 3108
- Groundwater protection ... 3115
- Identification and listing ... 3116
- Incinerators, emission controls ... 3099
- Industrial wastewater discharges standards initiatives ... 3055
- Inspection of disposal facilities ... 3086
- Land disposal:
  - Liner and leak detection regulation ... 3095
  - Restrictions ... 3087, 3133
- Land restrictions ... 3106
- Leachate collection systems ... 3129
- Location standards for disposal facilities ... 3096
- Medical waste, incineration of ... 3156
- Medical waste demonstration tracking program ... 3114
- Metallic ore solid waste ... 3122
- Methyl bromide ... 3117
- Municipal waste combustor ash ... 3088
- Nuclear ... 622
- Oil, used ... 3083
- Petitions for exclusion ... 3134
- Petroleum refinery sludge ... 3115
- Radioactive materials ... 4082
- Radioactive waste:
  - Disposal of spent nuclear fuel ... 3065
  - Ocean dumping ... 3063
  - Radionuclide emissions ... 3192
- Radioactive waste, low-level ... 3066
- Response claims procedures for National Contingency Plan ... 3227
- Site closures ... 3098
- Sites, uncontrolled ... 3221, 3224
- Soil and debris, treatment and disposal ... 3100
- Solid waste ... 3119
- Solid waste disposal:
  - Technical standards for corrective action ... 3097
- Solid waste testing methods ... 3120
- Spent nuclear fuel ... 4069
- State program requirements ... 3109, 3135
- Sump standards and regulation ... 3107
- Test methods ... 3123
- Toxicity characteristic modification ... 3121
- Transportation of low-level waste ... 4057
- Treatment and disposal:
  - Radioactive waste oil ... 4034
- Treatment units, mobile ... 3130
- Uncontrolled sites on the NPL ... 3211, 3223, 3225, 3226
- Underground injection control ... 3064
- Waste treatment and disposal:
  - Asbestos ... 3193
  - Pesticides ... 2993
  - Polychlorinated biphenyls (PCBs) ... 3018, 3025
  - Statistics for groundwater contamination ... 3128
  - Toxic waste site ... 3010

Sequence Number

Hazardous waste—Continued
Worker protection standards....3240
Head Start Program:
See Education of disadvantaged
Health:
See also Specific diseases
Alcohol abuse
Dental health
Drug abuse
Drugs
Handicapped
Health care
Health facilities
Health hazards
Health insurance
Health maintenance organizations (HMOs)
Health professions
Health records
Medical and dental schools
Medical devices
Medical research
Mental health programs
Nutrition
Occupational safety and health
Public health
Radiation protection
Safety
Cholesterol content in food....786
Diabetes:
Qualification of diabetic truck-drivers....1925
Nursing facility inpatient costs....961
Respiratory device standards....768
Health care:
See also Emergency medical services
Medicaid
Medicare
Clinical laboratories regulation....887, 907, 956
Community health centers....803
Home and community-based services....913
Home health agencies....860, 934, 960
Hospices:
Medicaid coverage....836
Indians....821, 822, 823, 824
Intermediate care facilities for mentally retarded:
Correction and reduction plans....955
Long-term care facilities....923
Migrant health services....804
Nursing facility inpatient costs....961
Organ procurement and transplantation:
Medicare and Medicaid hospitals....895
Patient rights....934
Quality of care exclusion....657
Radiation exposure....2910, 2952, 2962
State inspection of facilities....882
VA payments for....2907
Veterans....2942, 2944
Health facilities:
See also Hospitals
Nursing homes
Adverse information data bank....675, 806, 812
Community residential care....2942
Home health agencies....934, 960
Hospices:
Medicaid coverage....836
Incineration of medical waste....3156
Intermediate care facilities for mentally retarded:
Correction and reduction plans....955
Long-term care....923
Nursing homes....2854
Payment of claims to....2912
Recreational activities at....2946
State inspection....882
Health hazards:
Chromium....3161
Color additive FD&C yellow no. 6....2239

Sequence Number

Health hazards—Continued
Hazardous substances releases and facilities....771
Hydrogen sulfide....1353
Lead from ceramic pitchers....793
Radiofrequency radiation....3070
Sulfiting agents....783
Health insurance:
See also Medicare
CHAMPUS....449, 479
Health insurance for aged:
See Medicare
Health maintenance organizations (HMOs):
Beneficiary provisions....861
Coordinated open enrollment....902
Fiscal soundness and group specific rating....883
Medicaid requirements....901
Medicare Catastrophic Part B expenses coverage....896
Medicare drug deductible and respite care....899
Medicare penalties and sanctions....659
Medicare regulations....924
Organizational structure and services....884
Physician incentive plans prohibition....660
Qualification determinations....885
Health professions:
Adverse information data bank....675, 806, 812
Education:
Area Health Education Center Program....798
Centers for excellence....820
Geriatric medicine education program....814
Medicare payments....910
Family medicine:
Predoctoral, graduate, and faculty development grants....816
HEAL program....800, 809, 817
Home health aide training....860, 934
HPSL program....802, 819
Indian health service loans....823
Internal medicine and general pediatrics:
Residency training and faculty development grants....815
Licensing and monitoring entities reports to by the VA....2858
Mental health professionals:
Shortages....799
National Health Service Corps Scholarship program....898
National Service Corps:
Loan repayment program....813
Nurses:
Anesthetists....927
Post-baccalaureate faculty fellowships....811
Practitioner training program grants....810
Special Projects program....808
Student loan program....801, 818
Peer review....2857, 2943
Physician assistants....846
Physicians:
Diagnosis codes on physician bills....946
Incentive plans....660
Liability....931
Rural practitioners....663
Sanctions notification process....669
Psychologists....864
Shortages:
Mental health professionals....799
VA scholarship program....2944
Health records:
Confidentiality of VA records....2859
Medical certificates for aircraft pilots....1804
Hearing and appeal procedures:
See Administrative practice and procedure
Heart diseases:
Cholesterol:
Food labeling....786

Sequence Number

Helicopters:
See Aircraft
Heliports:
See Airports
Hepatitis:
Blood testing:
HBsAg proficiency requirements....794
Herbicides:
See Pesticides
Higher education:
See Colleges and universities
Highway safety:
Canadian National Safety Code....1975
Diabetic interstate truck-drivers....1925
Federal Motor Carrier Safety Regulations....1932, 1935
Motor carriers:
Intracity zone exemption....1959
Private carriage of passengers....1949
Railroad grade crossings....1954
Use of emergency warning devices....1941
Multiple driver's licenses....1928, 1975
Pavement marking and traffic control devices....1962
Highways and roads:
See also Bridges
Highway safety
Motor carriers
Motor vehicle safety
Motor vehicles
Acceleration of Federal-aid projects....1968
Administration of engineering and design contracts....1934
Advance construction of federal-aid projects....1957
Air quality procedures....2120
Air quality requirements....1951
Approval and project authorization....1956
Bridge construction:
Railing design....1974
Civil penalties....1299
Confidential business information....2073
Construction engineering costs....1936
Construction on Indian lands....1237
Design standards....1939
Environmental impact, procedures....2020
Environmental impact....1299
Environmental impact constructive use....1938
Equal employment opportunity....1933, 1969
Erosion and sediment control, during construction....1955
Federal-aid contract procedures....1931, 1952
Hazardous materials:
Radioactive materials....2136
Routing standards....2143
Interstate highway design....1960
Interstate highways:
Speed limit increase....1966
Motor carrier noise standards....1953
Property management, disposal and airspace....1971
Rail-highway grade crossing safety....2102
Rail-highway grade crossings....2111
Right-of-way regulations....1937, 1970
Speed limit enforcement....1646
Traffic barrier design....1943
Traffic control devices manual....1948
Wage rates in contracts....1965
Historic preservation:
Archeological resources on Indian lands....1249
Archeology:
Collection and preservation of artifacts....1218
Certifications for tax benefits....1227
Corps of Engineers....538
Historic sites:
Proximity to highway construction....1938
National Register of Historic Places:
Eligibility for....1209, 1212
Eligibility for inclusion in....1211
Protection of archeological resources....1192

Sequence Number

Historic preservation—Continued
Reporting and recordkeeping requirements....1191
Historical records:
See Archives and records
Hogs:
Sulfonamides....123
Homeless:
See Housing
Hospitals:
Adverse information data bank....675, 806, 812
Ambulatory surgery for eyes and ears....941
Ambulatory surgical centers....933, 941, 953, 957
Blood transfusions:
Notification of potentially HIV infectious....894
Clinical diagnostic laboratory services:
Fee Schedules....835
Emergency medical care....915
Grants and contracts cost principles....658
Malpractice insurance....839
Medicaid payment adjustments for low-income patients....889
Medicare inpatient deductible....949
Medicare prospective payment system....848, 905, 912, 935, 959
Medicare uniform cost reporting system development....954
Organ procurement and transplantation rules....895
Outpatient services....930, 2851
Periodic payments....958
Physician incentive plans prohibition....660
Reasonable cost regulation....857
Swing-bed program....942
Veterans' admission....2851
Hours of work:
See Wages
Household appliances:
Clothes dryers....613
Clothes washers....613
Dishwashers....613
Energy conservation....614
Energy efficiency....610, 613, 616, 618, 619, 620
Fluorescent lamp ballasts....614
Freezers....619
Refrigerators and refrigerator-freezers....619
Water heaters....616, 620
Household goods:
See Moving of household goods
Housing:
See also Fair housing
Housing standards
Low and moderate income housing
Mortgage insurance
Mortgages
Public housing
Relocation assistance
Admission procedures....1121
Aliens, legalized....1011
Aliens....1009
All cash public sale....1017
Allocation of funds....1003, 1071
Appeals and adverse decisions....94
Assistance, project-based....1041
Assistance payments....1055
Assistance procedures....1035
Audits:
Multiple housing....86
Block grant activities and projects....1008, 1078
Claim justification....1002
Claims, single-family....1025
Community development....1078, 1079, 1089
Credit union loans and appraisals....4011
Criminal and civil penalties....1059
Debarment suspension....1006
Direct loans....1055
Drug traffickers and possessors....995
Drug-free workplace....1007
Elderly....1056, 1057, 1108, 1121

Sequence Number

Housing—Continued
Emergency shelter grants....1087
Employment and wage justification....1002
Energy conservation....1112
Environmental quality....998
Environmental review procedures....1008
Fair housing....1001, 4011
Farm Labor Housing regulations....81
Farm loans....66
Farm worker, eligibility....91
Federal property, use for homeless....996
Flood disaster protection....1000
Floodplain management....999
Foreclosures....1030
Fraudulent practices....1006
Funding program consolidation....1096
GNMA mortgage-backed securities....1095
GNMA procurement procedures....1105
Grants:
Self-help technical assistance....87
Handicapped....1001, 1056, 1057
Hawaiian Homelands Rule....1048
Home improvement:
Credit union loans for....4014
Homeless:
Runaway and Homeless youth program....690
Homeless....996, 1088, 3323
Homeless assistance....1058, 1060, 1080, 1082, 1109
Homestead protection rights....95
Independent living services....2880
Indians:
Agency employee wages....1106
BIA Housing Improvement Program....1248
Drug-related crime....1115
Indians....1067, 1116, 1120
Insurance, multifamily....1053
Insurance....77, 1063
Insurance claims....1069
Land registration....1073
Land sales, interstate....1074
Lead-based paint hazard elimination....1109
Lease terms, prohibited....1050
Litigation expenses....1005
Loan insured program....1063
Loans, equity....1061
Loans, single family....74
Loans....1042, 1072
Low income....1051
Low and moderate income housing....1078
Manufactured:
Construction and safety....73, 1036, 1039, 1075
Credit union loans for purchase of....4014
Design inspection system....1038
Energy conservation standards....1076
Loans....1023, 2867
Monitoring inspection fee....1039
Procedural and enforcement system....1031, 1037
Property standards....1039, 1062
Suspension of dealers'individual employees....2914
Thermal energy requirements....1036
Manufactured homes....2867
Military off-base....452
Mortgage, prepayment....1051
Mortgage insurance....1010, 1013, 1015, 1024, 1045, 1064, 1068
Mortgage payments, temporary....1043
Mortgages:
Credit union documentation and standards....4008
Credit union loans for payment of....4014
Multifamily....1069
Multifamily rental....1027
Mortgages....1052, 1066
Multifamily:
Amortization schedule system....97
Borrowers and grant recipients....75
Loans....76, 84

Sequence Number

Housing—Continued
Multifamily—Continued
Rural rental....83
Security servicing....76
Subsidy billing procedures....1049
Tenant participation....1040
National Housing Act provisions....3901
Negligent HUD inspection....1065
Nehemiah grants....1070
Nondiscrimination....1097
Obsolete regulations....997
Paint, lead-based....1022
Plywood standards....1020
Property standards....1021
Protection plans....1044
Public....1117, 1122
Purchase of supplies for....1122
Real estate settlement services....1059
Rehabilitation Act....1099
Relocation assistance:
Cost data....3334
Income tax allowance....3328
Return from foreign station....3336
Rental rehabilitation....1008, 1084
Replacement for demolition....1113
Review of applications for assistance....1071
Rural:
Farm property management....68
Loan policies....70
Loan program changes....89
Loan security servicing....71
Loans and grants....96
Nonprogram loans....72
Recapture of subsidy....65
Rental loan policies....90, 92, 98
Rental property appraisal....85
Single family loans....78
Unauthorized loan or assistance....99
Rural loans....88
Section 8 assistance....1114
Shared housing arrangements....1054
Single family, property disposition....1026
Single family loans....79
Single person occupancy limits....1107
Single-family....1045
Single-family claims....1025
Single-family mortgage....1046
Social security rule....1014
Special Purpose Program grants....1091
State agency amendments....1050
State-owned....1084
Students and working residents....1012
Supportive Housing Demonstration program....1088
Tenant leases....1117
Tenants....1119
Title defects....1018
Uniform relocation....1081
Urban....1107
Urban development grants....1016
Urban homesteading....1093
Utilities, metering....1118
VA home loans....2893
Veterans....2868
Voucher program:
Termination of assistance....1034
Voucher regulation....1033
Welfare dependency....1012
Wetlands, protection....999
Housing assistance:
Comprehensive improvement....1120
Rental rehabilitation....1083

Sequence Number

Housing assistance payments:
See Housing
Mortgages
Rent subsidies
Housing standards:
Building products ... 1075
Human research subjects:
See Research
Humane treatment of animals:
See Animal welfare
Hunting:
In Big Thicket National Preserve ... 1197
License fees:
Interest for conservation projects ... 1181
Migratory birds ... 1138, 1144
Military reservations ... 533
Restrictions in Alaska Region National Preserve ... 1229
Wildlife refuges ... 1143
Hydroelectric power:
See Electric power

I

Immigration:
See also Aliens
Citizenship and naturalization
Officers, subpoena issuance authority ... 1424
Representation by law students ... 1370
User fee account, reporting ... 1401
Immunization:
Vaccine information ... 770
Imports:
See also Antidumping
Countervailing duties
Customs duties and inspection
Acrylate/methacrylate ... 3014
Animals for slaughter ... 163
Asbestos phase out ... 3030
Canadian motor vehicles ... 3170
Chemicals ... 3012, 3019, 3027
Computer technology ... 330
Control of PMN chemicals ... 3013
Firms and industries ... 289
Fish or wildlife ... 1158
Fruits and vegetables ... 58
Injurious wildlife:
Brown tree snakes ... 1154
Mitten crabs ... 1182
Salmonidae ... 1148
Marine mammals ... 400
Meat and meat products ... 146
Meat and poultry ... 118, 177, 178
Motor vehicles:
Emission standards ... 3198
Natural gas, short-term ... 627, 628
Panamanian meat products ... 158
Plant pests and diseases ... 56
Poultry and poultry products ... 140
Stainless steel flatware ... 3357
Sugar, market stabilization price ... 182
Sugar quota system ... 183
Wildlife ... 1185
Yellowfin tuna ... 400
Income taxes:
Accounting, cash method ... 2651
Accounts payable ... 2821
Advance refunding ... 2350
Affiliated groups ... 2491, 2609
Affiliated service groups ... 2647
Alaska Native corporations ... 2752
Aliens, withholding taxes ... 2478, 2738
Allowance for relocation expenses ... 3328
Alternative minimum tax ... 2323, 2324, 2325, 2562
Annuities, nondiscrimination ... 2383
Arbitrage regulations ... 2349

Sequence Number

Income taxes—Continued
Asset acquisitions ... 2726
Asset or property exchanges ... 2457
Asset transfers ... 2368, 2611
Assets, installment sale method ... 2619
Assets, sale of ... 2621
At-risk activities ... 2402, 2403, 2665, 2666
At-risk rules ... 2401
Backup withholding ... 2501
Bad debt experience:
Accounting method ... 2556
Banking ... 2681
Bankruptcy reorganizations ... 2376
Banks, bad debt reserves ... 2680
Below-market loans ... 2812
Blocked income ... 2298
Bond premium income ... 2328
Bonds, private activity ... 2345
Bonds, qualified ... 2345
Bonds, state or local government ... 2336
Bonds ... 2467, 2468, 2732
Bonus payments, reporting ... 2327
Book income adjustment, alternative minimum tax ... 2561
Branch income ... 2719
Branch profits tax ... 2704
Branch remittances, gain or loss ... 2309
Bus operating authorities ... 2321
Business, small, inventory ... 2408
Business unit definition ... 2721
California franchise ... 2696
Capital construction fund ... 2198
Capital cost recovery ... 2593
Capital gains ... 2412
Caribbean Basin countries ... 2446, 2714
Cash or deferred arrangements ... 2638
Certificates of deposit ... 2519
Certification ... 2577
Charitable contributions ... 2358
Charitable contributions deduction ... 2595
Check or money order payment ... 2527
Church, integrated auxiliary ... 2512
Commodity, definition ... 2773
Consolidated groups ... 2486, 2745
Consolidated investment credit ... 2748
Consolidated returns ... 2482, 2483, 2485, 2629, 2653, 2741, 2742
Contracts, long-term ... 2399
Corporate acquisitions ... 2484, 2743
Corporate adjustment and distribution ... 2381
Corporate assets ... 2614, 2615
Corporate contractions ... 2632
Corporate filing status ... 2318
Corporate income taxes ... 2369-2799
Corporate income taxes:
Foreign subsidiary ... 2490
Minimum tax benefit rule ... 2564, 2816
Corporate reorganization, attribution ... 2367
Corporations ... 2334, 2451, 2464, 2563, 2602, 2630
Cost recovery system ... 2357
Cost sharing regulations ... 2300
Cover over ... 2546
Coverage requirements ... 2643
Credit, paid ... 2438
Credit and loss carryovers ... 2380, 2634
Currency exchange rates ... 2454
Debt obligations ... 2509, 2590
Deductions:
Business-related ... 2605
Conventions, foreign ... 2366
Dwelling, business use ... 2606
Nonbusiness interest ... 2588
Passenger automobile ... 2607
Prior year ... 2340
Deferred compensation plans ... 2398
Deferred compensation and salary reduction ... 2498

Sequence Number

Income taxes—Continued
- Definitions, Subpart F ... 2716
- Dependents ... 2343
- Depletion deductions ... 2410, 2683, 2684
- Depreciable assets ... 2359
- DISC regulations ... 2455
- Dividend and interest exclusion ... 2578
- Dividends, exempt-interest ... 2813
- Dividends ... 2362, 2459, 2830
- Domestic relations ... 2566
- Dual resident companies ... 2489
- Dural residency ... 2445
- Election and due date statements ... 2618
- Elections under 88 Act ... 2845
- Electronic filing ... 2511
- Employee achievement awards ... 2604
- Employee benefits:
  - Cafeteria plans ... 2580
  - Life insurance ... 2331
- Employee benefits ... 2386, 2390, 2514, 2568, 2807
- Employee leasing ... 2647
- Employee plans:
  - Loans ... 2329
- Employee stock ownership plan ... 2384, 2385
- Employer matching contributions ... 2640
- Energy property ... 2731
- Erroneous advice from IRS ... 2795, 2843
- Estimated tax, special ... 2302
- Exceptions ... 2379
- Exempt organizations:
  - Lobbying ... 2764
- Exempt organizations ... 2392, 2509, 2679
- Expenses, apportionment ... 2695
- Extension of time to file ... 2781, 2841
- Extensions, assessment ... 2796
- Facsimile signatures by preparers ... 2535
- Faculty housing, treatment of ... 2342
- Farm expenses ... 2664
- Fiduciaries ... 2488
- Filing requirements:
  - Aggregation rules ... 2520
  - Termination of business ... 2521
- Foreclosures ... 2408
- Foreign ... 2442
- Foreign branches:
  - Accounting method ... 2722
- Foreign corporations:
  - First-tier entities ... 2633
  - Stapled entities ... 2365
  - Stock transfers ... 2375, 2625
- Foreign corporations ... 2361-2823
- Foreign currency transactions ... 2453
- Foreign deferred compensation plans ... 2641
- Foreign exchange gain or loss ... 2452, 2720
- Foreign governments ... 2705
- Foreign insurance companies ... 2423, 2425
- Foreign Investment in Real Property Act ... 2707
- Foreign investments ... 2461, 2469, 2733
- Foreign partnerships ... 2517
- Foreign source income ... 2709
- Foreign targeting obligations ... 2355
- Foreign tax credit ... 2439, 2440, 2712
- Foreign taxes ... 2708, 2751
- Foster child care payments ... 2582
- Fringe benefits, noncash ... 2352
- Fringe benefits ... 2817
- Functional currency ... 2717
- Golden parachute payments ... 2608
- Government cost sharing ... 2581
- Grantor trusts ... 2414
- Grassroots lobbying ... 2351
- Gross income:
  - Life insurance costs ... 2333
- Gross income, source ... 2432, 2835
- Gross income exclusions ... 2343, 2344, 2662

Sequence Number

Income taxes—Continued
- Group health plans, continuation coverage ... 2587
- Highly compensated employee, definition ... 2648
- Housing corporations, cooperative ... 2597
- Housing credit, low income ... 2555, 2557, 2558
- Illegal activity cash, treatment ... 2536
- Incentive stock options ... 2391
- Indebtedness discharge ... 2339
- Indian tribal governments ... 2811
- Information disclosure ... 2782
- Installment obligations ... 2394, 2397, 2654, 2655, 2656, 2661
- Installment reporting ... 2657
- Installment sales ... 2395, 2396, 2658, 2659, 2828
- Insurance, mortality and morbidity tables, rules ... 2688
- Insurance ... 2833
- Insurance companies ... 2770
- Insurance income ... 2448
- Intercompany transactions ... 2750
- Interest accrual ... 2797
- Interest allocation and capitalization ... 2364
- Interest allocation and capitalization of expenses ... 2601
- Interest charges ... 2723
- Interest deductions ... 2301
- Interest and dividends of 80-20 companies ... 2303
- Interest expense ... 2305, 2698, 2700, 2836
- Interest rate swaps ... 2304, 2697
- International banks ... 2831
- International organizations ... 2705
- International tax ... 2623
- Inventories ... 2677
- Inventory costs ... 2600
- Investment companies, regulated ... 2427, 2693
- Investment companies, reorganization ... 2626
- Investment tax credit ... 2559, 2822
- Itemized deductions, 2-percent floor ... 2565
- Leasing, tax exempt ... 2594
- Levied property:
  - Exemptions ... 2314
  - Property redemption payment ... 2531
  - Release and return ... 2316
  - Sale of seized property ... 2315
  - Surrender procedure ... 2313
- Levies ... 2529
- Liability ... 2400, 2663
- Liability understatement ... 2320
- Life insurance ... 2569, 2689
- Life insurance companies ... 2311
- Life insurance contract ... 2547
- Line of business, definition ... 2389
- Liquidations ... 2746
- Losses, expenses, and interest ... 2602
- Losses, separate limitation ... 2441
- Losses and credits ... 2668
- Ministerial act ... 2794
- Money Laundering Control Act ... 2801
- Mortgage credit certificates ... 2552, 2553
- Mortgage subsidy bonds ... 2338, 2572
- National principal contracts:
  - Timing, character, and source of income ... 2393
- Nontaxable transfers ... 2481
- Nuclear power plants, interest in ... 2405
- Oil and gas income ... 2326, 2711
- Overpayments:
  - Child support ... 2551
  - Interest ... 2533
  - Reduction ... 2791, 2792, 2793
- Participation requirements ... 2637
- Partnerships:
  - Foreign ... 2706
  - Liabilities and deductions ... 2421, 2687
- Partnerships, deductions ... 2832
- Partnerships, extension of filing time ... 2780
- Partnerships ... 2416-2829
- Pass-through payments, sourcing ... 2458

Sequence Number

Income taxes—Continued
Passive activity....2667
Passive activity losses and credit....2674
Payee statements, penalties....2800
Payments, deferred....2433
Penalties, abatement of....2843
Pension, profit-sharing, and stock bonus plans....2387
Pension plans, early distribution....2330
Pension plans....2388
Pensions:
Minimum funding....2827
Multiemployer plans....2635
Pensions....2363, 2598, 2599, 2642, 2646, 2826
Personal injury liability....2294
Personal property....2434, 2604
Personal property sales....2701
Personal service corporation....2603
Petroleum and chemicals....2507
Political advertising....2351
Prizes and awards....2818
Procedure and administration:
Federal tax lien....2842
Taxpayer assistance orders....2846
Procedure and administration....2548, 2793
Product election....2447
Profit activity....2295
Property and casualty insurance....2834
Property and casualty insurance companies....2426, 2691
Property transfers, outbound....2480
Public utilities, normalization....2356
Public utility property....2592
Real estate....2775
Real estate mortgage investment conduits....2428, 2429, 2694
Real estate transactions, reporting....2776
Real estate transactions....2516
Real property, excess expenses....2538
Recordkeeper response to summons....2544
Refund offsets....1374
Refunds....643
Related taxpayers, transactions....2820
Rental agreements....2404
Reporting and recordkeeping requirements....2308, 2774, 2778, 2779
Residence interest....2354
Resident aliens....2806
Resident status, information....2515
Retirement plan distributions....2518
Retirement plans....2636, 2639, 2644
S Corporations....2471-2832
Sales, earnings and profits....2310
Salvage recoverable losses....2422, 2690
Scholarships and fellowships, exclusion....2579
Section 482 regulations....2299
Securities....2296, 2297, 2373
Securities transfer....2724
Shareholder election, QEF....2470
Shareholders, use of deficits....2308
Shipping amendments, Subpart F....2449
Small businesses:
Inventory valuation methods....2678
Space, ocean, and telecommunication activities....2431
Start-up expenditures....2360
Stock sale treated as asset sale....2371
Straddles....2460, 2591, 2727, 2728, 2729
Straddles--hedging....2465, 2466
Student loan bonds....2583
Subchapter S items....2525
Subsidiary dividend....2749, 2837
Subsidiary stock disposition....2744
Tax credit:
Energy property....2560
Foreign....2710
Puerto Rico....2713
Research....2815
Tax exempt status....2487
Tax lien, land sales contract forfeiture....2537

Sequence Number

Income taxes—Continued
Tax return information:
Franchisees....2802
Tax shelters, abusive....2319
Tax shelters....2785
Tax treaties....2438, 2477, 2737
Tax-exempt bonds....2335-2819
Tax-exempt status....2747
Taxable transfers....2755
Term clarification....2814
Thrift institution reorganizations....2824, 2825
Timely mailing....2804
Trademarks and trade names....2463
Transition rule....2718
Transportation income....2430
Treaty-based return positions....2522, 2786
Trust and estates....2415
Tuition reductions....2341
U.S. possessions....2443
Uncollectable....2652
Underpayments:
Interest rate....2798
Underpayments, interest....2533
Unified credit....2492
Unified partnership audit provisions....2787
Unrelated taxable income....2407
Utilities repeal....2370, 2612, 2613
Valuation....2534
Valuations for customs duties....2725
Vesting standards....2645
Violation, definition....2353
Virgin Islands....2307, 2445
Virgin Islands taxes....2444
Withholding:
Deferred payments....2500
Partnerships....2479, 2740
Withholding, backup....2758, 2838
Withholding, exemptions....2343
Withholding, real property distributions....2739
Withholding taxes....2477

Indians:
See also Indians-arts and crafts
Indians-business and finance
Indians-education
Indians-enrollment
Indians-judgment funds
Indians-lands
Indians-law
Indians-tribal government
Adult care services....1241
Big Cypress National Preserve, use and occupancy by....1210
Business and industry:
Hualapai Reservation airport....1920
Inventory of hazardous chemicals....3231
Catastrophic health emergency fund....821
Child welfare programs....1242
Clean Water Act....3038, 3047
Contracts....822, 824
Custody and care of archeological resources....1249
Dredging and filing permits....3042
Employment assistance for adults....1234
Enrollment:
Coquille Tribe....1247
Enrollment, Cow Creek Bank....1262
Food distribution program....117
Handicapped....1241
Health service loans....823
Health services....824, 825
Housing:
Drug-related crime....1115
Improvement grants....1120
Projects....1116
Housing improvement....1248

Sequence Number

Indians—Continued
Land:
Surface coal mining and reclamation....1309
Law:
Hearings and appeals....1137
National Forest System lands....226
Osage Tribe of Oklahoma....825
Self-determination....822
Tribal governments:
Administration of Federal grants to....3441
Water quality grants to....3061
Water quality standards....3050
Wellhead protection and aquifers....3075
Indians-business and finance:
Buy Indian contracting by the BIA....1257
Economic enterprise grants....1256
Government contracts....467
Indian Financing Act....1266
Loans to Indians....1265
Money accounts program, individual....1239
Oil and gas resources....1258
Oil royalty payments....1261
Indians-education:
Adult education programs....1252
Fellowship program....576
Grant policies and procedures....1251
Grants, discretionary....573
Grants....574
Grants to colleges....1235
Personnel, selection criteria....575
Self-determination....1246
Use of Osage Judgment Funds for....1264
Indians-enrollment:
Blood, certificates of degree of Indian....1245
Indians-judgment funds:
AFDC, exclusion from income....981
Enrollment qualifications....1262
Supplemental Security Income (SSI), exclusion from income....702
Used for Osage education and social programs....1264
Indians-lands:
Alaska Native village selections....1346
Allotments....1328
Grazing permits....1236
Grazing regulations....1253
Mineral royalties:
Cooperative agreements....1268
Mining leases....1238, 1255
Mining and prospecting on....1254
Mortgage insurance, Allegheny Reservation....1067
Rights-of-way....1260
Road construction on....1237
Royalty overpayment recoupment....1281
Indians-law:
Appeals from administrative actions....1263
BIA payment of attorney fees....1259
Civil and criminal code revision....1250
Probate administration of Osage estates....1244
Indians-tribal government:
Establishing identity of a tribe....1267
Police....1240
School boards....1243
Self-determination....1246
Self-determination regulations....822
Industrial safety:
See Occupational safety and health
Industry:
See Business and industry
Infants and children:
See also Adoption and foster care
Aid to Families with Dependent Children
Child welfare
Youth
Abuse and neglect prevention....694
AIDS infected:
Medicare coverage....897

Sequence Number

Infants and children—Continued
Alien, adopted....1438
Cigarette lighters, child-resistant....3773
Drug dependent:
Medicare coverage....897
Education:
Deaf-blind children....605
Deprived....566
Federally-impacted areas....570
Handicapped....603, 604
Neglected or delinquent....567
Family Support Act....968, 969
Father, equal treatment....1404
Handicapped:
Head Start program....692
Infant formula quality control....787
Mental disorders listings....703
Paternity establishment....968, 969
Social security numbers....754
Waterbed safety....3780
Welfare services:
State performance requirements....682
Information:
See also Archives and records
Classified information
Confidential business information
Freedom of information
Government publications
Privacy
Reporting and recordkeeping requirements
Sunshine Act
Electronic records management....3429
FIRMR improvement project....3340
Resources management review....3343
Resources management standards....3342
Inland waters:
See Waterways
Insecticides:
See Pesticides
Insignia:
See Signs and symbols
Insurance:
See also Bank deposit insurance
Crime insurance
Flood insurance
Health insurance
Insurance companies
Mortgage insurance
Surety bonds
Unemployment compensation
Workers' compensation
Air taxi operators, US and Canadian....1635
Automobiles, foreign missions....1609
Bank deposits....3868
Commercial space transportation....1615
Federal costs for Indian self-determination....1246
Federal employees....655
Health Insuring Organizations (HIOs)....929
Housing:
Multifamily coinsurance....1053
Malpractice:
Hospitals....839
Motor carrier industry....1924, 1947
National Service Life Insurance....2923
Nuclear hazard....637
Of credit union assets....4012, 4023
Of loans to Indians....1266
Space vehicle users....3390
Termination of FSLIC insurance....3899, 3904
Transactions by fiduciaries....2876
Veterans....2954
Insurance companies:
Motor vehicle theft....3073

Sequence Number

Insured loans:
See Loan programs
Intelligence:
See Classified information
Intergovernmental relations:
See also Grant programs
Automated data processing equipment ... 985
Funding techniques for Federal programs ... 2216
Grants and cooperative agreements ... 3438
Health care facilities, State inspection ... 882
Medicaid financial participation ... 847
Mental health programs ... 767
Rehabilitation services ... 599
State and local OJT programs ... 2879
State supervision of VA claim representatives ... 2905
State-Federal relations:
Administration of Federal grants to State and local governments ... 34
Administration of grants and cooperative agreements ... 1641
Air carrier regulation ... 1634
National parks and wilderness areas ... 3151
Nominations for historic preservation ... 1211
Primary regulation of public water systems ... 3076
Regulations for State injection control programs ... 3081
Restructure of State Historical Advisory Boards ... 3426
Revolving fund for water pollution control ... 3051
Sludge management grants ... 3060
Standards for worker protection ... 3240
State administration of RCRA programs ... 3110
State air quality implementation plans ... 3179, 3188
State compliance with highway speed limit ... 1646
State drinking water filtration criteria ... 3080
State hazardous waste management programs ... 3109, 3135
State highway construction ... 1957
State lists of waters ... 3052
State and local funding ... 1956
State modification of the National Network ... 1961, 1967
State motor carrier safety regulations ... 1932
State motor vehicle emissions inspections ... 3200
State programs limiting pesticide sales ... 2988
State programs for pesticide applicator certification ... 2989, 2990
State recreation land acquired with NPS funds ... 1231
State regulation of Federal credit unions ... 4009
State speed limits on Interstates ... 1966
State standards for municipal waste incinerators ... 3154
State transportation agencies ... 1650
State and Tribal water standards ... 3050
State-controlled waters ... 3062
State-regulated air traffic control ... 1817
VA-State agencies relationships ... 2922
Veterans' education ... 2881, 2925
International agreements:
See Treaties
International trade:
See Foreign trade
Inventions and patents:
Animal drug products ... 441
Applications ... 433
Automated search systems:
Public access, fees ... 434
Biological materials ... 435
By VA employees ... 2968
Class waivers, rights ... 654
Disciplinary proceedings ... 436, 440
Energy Department policy ... 631
Government employees ... 442
Government-owned, licenses ... 443
Government-wide regulation of patents ... 3442
Income sharing ... 3637
Information disclosure ... 432
Judicial review ... 437
Licensing of inventions ... 3442
Plants, variety naming requirements ... 431
Policy, uniform ... 442
Practice changes ... 430

Sequence Number

Inventions and patents—Continued
Security agreement recording ... 430
Veterinary biological products ... 441
Waivers ... 651
Investigations:
Government personnel ... 3460
Investment advisers:
See Securities
Investment companies:
Small businesses:
Compliance audits ... 3596
Sale of public certificates ... 3611
Small businesses ... 3597
Investments:
See also Brokers
Commodity futures
Investment companies
Securities
Accounting ... 4166
Advertisements ... 4129, 4133
Bonding of officers and employees ... 4163
Broker-dealer dissemination of information ... 4137
Disclosure requirements ... 4130, 4152
Edgar system ... 4109
Electronic filing and processing ... 4109
Equity-risk investments ... 3912
Exchange standards ... 4180
Financial reporting ... 4102, 4147
Financial statements ... 4106
Foreign ... 4135
Foreign direct surveys ... 261, 262, 263
Housekeeping amendments ... 4130
Investment advisers ... 4127
Investment companies ... 4108-4187
Leveraged buyouts and debtholders ... 4105
Management companies ... 4182
Management services, individual ... 4162
Money market funds ... 4167
Mortgage-related securities ... 4128
Mutual fund governance ... 4123
Net capital requirements ... 4122
Net capital rule ... 4161
Partnerships ... 4157
Prospectus ... 4113, 4126
Proxies ... 4125
Quotations ... 4121
Real estate ... 4134
Records, preservation of ... 4146
Registration ... 4164, 4174
Registration forms ... 4138
Registration statement form ... 4126
Reporting requirements ... 4108, 4124
Repurchases, disclosure of block ... 4172
Resident agent for service of process ... 4139
Sales load charges ... 4168
Securities ... 4121-4181
Tender offer rule amendments ... 4151

J

Job Training Partnership Act:
See Manpower training programs

K

Kites:
See Aircraft

L

Labeling:
See also Food labeling
Packaging and containers
All-terrain vehicles ... 3772
Communications scanning receivers ... 3828
Electric heat tape ... 3775

Sequence Number

Labeling—Continued
Fish and wildlife containers or packages ... 1158
Food:
Cholesterol content ... 786
Nutrition and health information ... 785
Lead in ceramic pitchers ... 793
Meat and meat products ... 122, 135, 159, 173
Meat and poultry ... 138, 155
Menstrual tampons ... 790
Pesticides ... 2997
Pesticides requirements ... 3001
Poultry and poultry products ... 122
Toys for children under 3 years of age ... 3774
Water beds ... 3780
Labor:
See also Child labor
Employee benefit plans
Employment
Equal employment opportunity
Manpower
Migrant labor
Occupational safety and health
Retirement
Unemployment compensation
Wages
Drug-free workplace ... 1542
Plant closings:
Worker notification ... 1487
Reporting and recordkeeping requirements ... 1502, 1503
South Africa ... 1608
Laboratories:
Blood testing proficiency requirements ... 794
Clinical diagnostic services:
Fee schedules ... 835
Clinical laboratories regulation ... 887, 907, 958
National Limitation Amounts for Laboratory for Schedules ... 710
Land:
See also Grazing lands
Indians-lands
Public lands
Rights-of-way
Private sector sale ... 270
Law:
See also Administrative practice and procedure
Courts
Indians-law
Lawyers
Military law
Adversary adjudications:
Equal Access to Justice Act ... 3799
Arbitration regulation ... 3304
Civil penalty actions, FAA ... 1921
Civil suits under CERCLA and Emergency Planning ... 3233
Constructive use doctrine:
Highway construction ... 1938
Criminal intelligence systems ... 1449
Definition of 'new and material evidence' ... 2896
Indemnification:
Aeronautical chart and map publishers ... 1879
Liability:
Ground vehicles at airports ... 1825
Liability under CERCLA for site clean-up ... 3209
Maritime commercial laws:
Ecuadorian ... 3941
Private actions under ADEA ... 3269
Safe Drinking Water Act, suits file under the ... 3258
Service of citizens suits and consent decrees ... 3057
Service of process upon the FCA ... 3795
Third party suits:
Underground storage of hazardous materials ... 3111
Underground storage of petroleum ... 3112
Law enforcement:
See also Drug traffic control
Aliens, deportation ... 1371, 1393
Aliens, detention ... 1426

Sequence Number

Law enforcement—Continued
Aliens ... 1383, 1390, 1396, 1405, 1413, 1439
Child abuse and neglect ... 694
Child support:
Audit regulations ... 973, 930
Case processing ... 930
Collections distribution ... 965
Coast Guard written warnings ... 1742
Crime during passenger aircraft flight ... 1895
Criminal justice information systems ... 1450
FAA regulation of aircraft passengers:
Civil penalties ... 1812
General aircraft use in drug traffic ... 1783
National Conservation Areas ... 1351
Social Security programs, disclosure of information ... 700
Speed limits on highways ... 1646
Surface coal mining permits and violations ... 1302
Trespass on public lands ... 1365
Violations, controlled substances ... 1419
Law enforcement officers:
Indian police ... 1240
NASA Security Force ... 3387
Protection ... 1352
Lawyers:
See also Legal services
BIA payment of attorney fees ... 1259
Fees ... 1447
Fees payable under Equal Access to Justice Act ... 1882
Law students, representation by ... 1370
Use of attorneys in property acquisition or disposal ... 3363
Lead poisoning:
Ceramic pitchers ... 793
Paint ... 1109
Legal services:
Performed by those not attorneys ... 2966
Probate administration ... 1244
Liquors:
Taxes ... 2232
Livestock:
See Specific animals
Meat inspection
Meat and meat products
Poultry and poultry products
Loan programs:
Business:
Alter ego loan guarantees ... 3631
Certified lenders program ... 3618
Disaster loans ... 3608
Export loans ... 3629
Fees for packaging ... 3626
Pollution control facilities ... 3616
Preferred Lenders Program ... 3617
SBA 8(a) program participants ... 3635
State and local development companies ... 3599, 3630
Department of the Interior:
Certificates of non-delinquency ... 1125
Education:
Health Education Assistance Loan (HEAL) program ... 800, 805, 809, 817
Health Professions Student Loan (HPSL) program ... 802, 819
National Health Service Corps Scholarship program ... 898
Nursing Student Loan (NSL) Program ... 801, 818
Farm Credit Administration:
Debt collection regulations ... 3794
Eligibility for and financing of loans ... 3798
Eligibility for, and policy for ... 3793
Financing agreement guidelines ... 3797
Lending limits ... 3801
Policies and operations ... 3802
Federal home loan banks:
Loan origination or service outside home State ... 3908
Health:
Health Education Assistance Loan (HEAL) program ... 805
Health Service Corps ... 813

Sequence Number

Loan programs—Continued
Housing:
FSLIC insurance termination....3899
Security investments of S&Ls....3909
Housing....1063
Indian health service....823
Indians:
Loan guaranty....1266
Revolving loan fund....1265
Section 8 and LMSA contracts....1032
Veterans:
Administration of loans....2885
Allowable fees and charges....2871
Foreclosures....2887, 2960
Guarantee under Fair Housing....2895
Home loan credit standards....2868
Manufactured homes....2867, 2914
Payment of guaranty claims....2951
Qualifications of fee appraisers....2869
Records required by VA....2886
Standards for servicing home loans....2893
Title evidence requirements....2894
VA appraisals....2918
VA guarantees....2870, 2917
Loan programs-agriculture:
Community Guaranteed Loan Program....67
Cooperative housing loans....92
Cotton....37
Drought disaster assistance....93
Employee loans....82
Farm Labor Housing regulations....81
Farm labor policy....91
Loan changes....66
Multiple family housing....84
Rural electrification....243, 247
Rural electrification loans....249
Rural housing....65, 70, 71, 72, 88, 96
Rural rental housing, multifamily....83
Rural telephone loan program....252
Secondary market for loans....80
Sugar beets and sugarcane....17
Unauthorized loan or assistance....99
Wheat....48
Loan programs-business:
Toxic wastes, liability....273
Loan programs-economic development:
Adjustment grants....274
Electric and gas facilities....280
Employees....268
Nonrelocation rule....271
Private sector sale....270
Property liens....272
Loan programs-education:
Guaranteed Student Loan Program....594
Loan programs-housing and community development:
Direct loans....1055
Elderly and handicapped....1056
Elderly and handicapped housing....1072
Handicapped access....266
Low and moderate income housing:
See also Public housing
Rent subsidies
Rural housing....69
Lumber:
See Forests and forest products

M

Magazines:
See Newspapers and magazines
Mail:
See Postal Service
Manpower:
See also Manpower training programs
Employment assistance for Indians....1234

Sequence Number

Manpower training programs:
See also Vocational education
Apprenticeship system review....1477
Dislocated workers....1486
Job Corps....1481
Job Training Partnership Act:
Audit review....1480
JOBS program....987, 988, 1484
OJT for highway construction....1933
Trade adjustment assistance....1483
Veterans' Job Training Act....2922
Marine engineering:
See Vessels
Marine mammals:
See also Endangered and threatened species
Bottlenose dolphins....346
Incidental taking....366, 1163, 1170
Marine Mammal Protection Act....1155, 1167
Protection....346
Sea otter, Alaskan Natives exemption....1139
Whales, humpback....401
Marine pollution:
See Water pollution control
Marine resources:
See also Fisheries
Channel Islands sanctuary....388
Coastal migratory pelagic....371, 377
Cordell Bank sanctuary....411
Estuarine reserve research system....412
Exclusive economic zone....363, 406
Fagatele Bay National Marine Sanctuary....386
Fishery statistics....399
Flower Garden Banks sanctuary....410
Grants....397
Key Largo sanctuary....385
Looe Key sanctuary....387
Marine mammals....366, 400, 406
Marine sanctuary program....390
Monterey Bay National Sanctuary....390
National Marine Sanctuary....391
Norfolk Canyon National Marine Sanctuary....394
Northern Puget Sound National Marine Sanctuary....393
Permits for taking marine species....351
Point Reyes-Farallon Island sanctuary....389
Sanctuary program regulations....428
Stellwagen Bank National Marine Sanctuary....396
Tortugas sanctuary....421
Western Washington Outer Coast National Marine Sanctuary....395
Whales, humpback....401
Marine safety:
See also Vessels
Change of address, Marine Safety Center USCG....1775
Davit and winch approval requirements....1762
Disembarkation ladder approval requirements....1760
Distress signal pyrotechnic, approval requirements....1759
Emergency drinking water and food approval....1758
Hazardous liquid chemical cargoes....1683
Hydraulic device, release of lifesaving equipment....1761
Inspection of small passenger vessels....1731
Life jacket lights, approval requirements....1765
Life jacket requirements....1757
Life jackets, inflatable....1729
Lifeboat, rescue boat and liferaft approval....1696
Lifeboat and rescue boat requirements....1690
Lifebuoy approval requirements....1764
Liferafts, inflatable, approval requirements....1691
Lifesaving equipment regulations....1717
Maritime carriers:
Alcohol, chemical and drug testing of personnel....1749
Motorboats:
Restrictions on Ozark National Scenic Riverways....1205
Offshore routing system for California....1714
Optional radio systems, use of....1707
Personal flotation device components....1681

Sequence Number

Marine safety—Continued
Personal flotation devices, inflatable....1672
Personal flotation devices....1674
Radar reflector approval requirements....1763
Regulation of commercial boating in Glen Canyon NRA....1200
Ships' auxiliary boilers....1702
Vessels:
Collisions at Sea, International Regulations for Preventing....1746
Ship stability regulations....1711, 1712
Waterlights, floating electric....1768
Maritime carriers:
See also Cargo vessels
Passenger vessels
Seamen
Vessels
Capital construction fund, tax liability....2198
Cargo preference, bids....2195
Cargo preference....2200, 2201, 2204, 2205, 2207
Conference agreement defined....3945
Construction fund....2203
Construction-differential subsidy....2194
Cost of proceedings....3943
Documented vessels....2196
Domestic off-shore:
Financial reports....3933
Hawaii, port-to-port service....3946
Equipment interchange agreements....3940
Foreign:
Advance notice of arrival, Miami, FL....1766
Foreign trade:
Foreign Shipping Practices Act....3944
Hearing procedures....2202
Index of documents for agreements....3929
Joint service/consortium agreement defined....3945
Licensing procedures....3997
Maritime Commission recovery costs for services to....3930
Marshall Islands, Republic....2199
Ocean:
Ecuadorian laws and regulations....3941
Maximum container weights, south European trade....3938
Per container rates, trans-Pacific....3937
Rates changes....3942
Shipper defined....3936
Oil carriage, Alaska....2194
Passenger vessels:
Section 16 exemption for cruise operators....3939
Personnel of:
Alcohol, chemical and drug abuse....1749
Rates, fair and reasonable....2200
Rates quoted subject to booking....3932
Review conference practices....3931
Subsidies, maintenance and repair....2197
Subsidies....2201
Tariff cancellation....3934
Tariffs....3928
Terminal and stevedoring services, rates and charges....3935
Transfers of interests....2196
U.S.-flag....2200, 2201, 2207
Untariffed NVOCC's....3936
Vessel obligation guarantee....2209
War Risk insurance....2199
Mass transportation:
Access for the handicapped....1618
Air quality procedures....2120
Air quality requirements....1951
Bus testing guidelines....2121
Buy America requirements....2122, 2127
Capital leases....2123
Equal employment opportunity....2117
Federal policy....2126
Major capital investment projects....2119
Project management oversight....2125
Stock purchase audits....2124

Sequence Number

Measurement standards:
See Metric system
Meat inspection:
Additional substance use....150
Air use during slaughter....180
Antioxidants....137
Approved substances....139
Automatic expiration system....135
Binders, cured pork products....131
Boning operations....156
Canadian products....179
Cattle post-mortem....160
Color maintenance....157
Cross-contamination prevention....136
Detention notification....153
Dry-cured ham....164
Equal to requirements....146
Fermented sausage....130
Finished product....141
Flavors or natural flavors....162
Food additives....147
Foreign country import certification....163
GRAS substances....147
Importation of livestock carcasses....176
Imported products....118
Improved processing system....181
Jar closure requirements....145
Labeling....155
Lactic and acetic acid application....124
Lactic acid starters....134
Meat patties....173
Panamanian meat products....158
Pest control....151
Retail store exemptions....142
Sodium nitrate increase....129
Sodium/potassium lactate....133
Sorbitol as flavoring agent....132
Unscalded beef stomachs....154
Meat and meat products:
See also Meat inspection
Bacon....168
Binders....167
Cooked sausage added water standard....159
Dried ready-to-eat....143
Exemptions....126
Export certification....149
Flavor enhancers....128
Importation....177, 178
Labeling....122, 138, 171
Net weight....170
Rabbit products, voluntary grading....4
Rendered meat products....120
Restructured....161
Salmonella and other enteric bacteria....121
Sealed containers....119
Sulfonamide and antibiotic residues....166, 169
Swine:
Sulfonamide violations....123
Trichina detection methods....127
Water system approval....125
Medicaid:
See also Peer Review Organizations (PRO)
Aid to Families with Dependent Children....977
Aliens....966
Aliens eligibility....925
Anti-kickback 'safe harbor' provisions....676
Assets, revaluation of....904
Child support agency IV-D services....986
Clinic services....944
Deficit Reduction Act provisions....901
Dentists....944
Diagnostic testing for inpatient surgery....856
Educational and vocational training....855
Eligibility....833, 834, 843, 906, 911, 917, 925, 977

Sequence Number

Medicaid—Continued
Fraud control....670
Groups, eligibility....843
Health Insuring Organizations (HIOs)....929
Health maintenance organizations (HMOs)....901
Hospice case management....836
Hospital payment adjustments for low-income patients....889
Income:
Definition....733
Information collection requirements....964
Institutionalized individuals....855
Long-term care facilities....923
Medicaid Management Information System (MMIS)....890, 900, 948
Nursing home benefits....862
Organ procurement and transplantation rules....895
Outpatient surgery....856
Provider agreement and supplier participation....837
Qualified Medicare Beneficiaries (QMB) cost sharing....892
Second surgical opinion....943
Skilled nursing facility enforcement provisions....870
Spenddown....834
State plan requirements....916, 944
States financial participation....847
Third-party recovery....916
Transfer of assets....844
Medical assistance program:
See Medicaid
Medical care:
See Health care
Medical and dental schools:
Area Health Education Center Program....798
Centers for excellence....820
Faculty training:
Family medicine....816
Geriatric medicine....814
Internal medicine and general pediatrics....815
Nursing post-baccalaureate fellowships....811
Health Education Assistance Loan (HEAL) program....800, 809, 817
Health Professions Student Loan (HPSL) program....802, 819
Health Service Corps loan repayment program....813
Medicare payments....910
Nurse practitioner and midwifery training....810
Nursing Student Loan (NSL) Program....801, 818
Predoctoral and graduate education:
Family medicine....816
Residency training:
Internal medicine and general pediatrics....815
Medical devices:
Computers....773
Home dialysis supplies and equipment....940
Respirators....768
Medical facilities:
See Health facilities
Medical personnel:
See Health professions
Medical records:
See Health records
Medical research:
Confidentiality of VA records....2859
Human subjects protection....789
Within VA facilities....2968
Medicare:
See also Peer Review Organizations (PRO)
Accrual basis of accounting....840
Actuarial and Part B premium....951
Administrative appeals process....832
Ambulatory surgical centers:
Covered procedures....957
Outpatient surgery for eyes and ears....941
Payment rates....933, 953
Anti-Kickback 'safe harbor' provisions....676
Appeals, continued payment during....755
Arterial bypass surgery, stroke prevention....879
Assets, revaluation of....904
Breach of confidentiality, penalties....675

Sequence Number

Medicare—Continued
Cataract surgery, penalties and exclusions for assistants....674
Catastrophic Coverage Act....661, 664, 831-962
Catastrophic limit, beneficiary....963
Coinsurance amounts....952
Comparable services limitation....851
Competitive medical plans:
Catastrophic Part B expenses coverage....896
Enrollment....902
Explanation of rights....924
Competitive medicare plans:
Beneficiary provisions....861
Computer errors, recovery of overpayments....871
Cost reports/intermediary payment disputes....832
Cost-sharing expenses....831
Diagnosis codes on physician bills....946
Dialysis services, outpatient maintenance....914
Disabled active individuals....858
Drug dependent or AIDS infected children....897
Drug payment methodology....873
Drugs, outpatient....869, 886, 962
Economic index....849
Educational and vocational training....855
Electronic bill processing....886
Eligibility....926
End-stage renal disease....914, 922, 928, 936
Evaluation of intermediaries and carriers....881
Fraud control....662
Fraudulent and abusive practices....848
Government employees....3530
Groups, eligibility....926
Health maintenance organizations (HMOs):
Beneficiary provisions....861
Catastrophic Part B expenses coverage....896
Drug deductible and respite care....899
Enrollment....902
Fiscal soundness and group specific rating....883
Organizational structure and services....884
Rights....924
Hemophilia clotting coverage....909
Hepatitis B vaccine coverage....909
Home and community-based services....913
Home and community-based services for the elderly....852
Home dialysis supplies and equipment....940
Home health agencies:
Cost limits....960
Definitions of 'intermittent' and 'part-time'....891
Participation requirements....860, 934
Recognition of standards....842
Survey and sanctions....893
Home health aide training....860, 934
Home health services:
Confined to the home requirements....888
Home IV drug therapy:
Covered drugs list....878
Payment methodology....874
Peer review....867
Providers....877
Survey and sanctions....893
Hospital emergency care....915
Hospital malpractice insurance....839
Hospital outpatient services....930
Hospital payment adjustments for low-income patients....889
Hospital prospective payment system....959
Hospitals uniform cost reporting system development....954
Immunosuppressive drugs....921
In-home care for chronically dependent individuals....868
Income protection for community spouse....880
Information collection requirements....964
Inpatient hospital deductible....949
Inpatient hospital services....905, 912, 935
Interest expense and suspension of payments....919
Investment income....857
Long-term care facilities....923

Sequence Number

Medicare—Continued
Medical education costs....910
Medical equipment, durable....859, 875, 939
Medical services coverage....920
Medigap policies....665, 863
Nurse anesthetists, services....927
Nurse-midwife services....865
Nursing facility inpatient costs....961
Occupational therapy....846
Organ procurement and transplantation rules....895
Orthotic devices....939
Outpatient surgery for eyes and ears....941
Patient personal funds, charges....854
Payment practices....676
Peer Review Organizations....932
Penalties and sanctions....659, 661, 662, 664, 665, 675, 678
Periodic Payments....958
Pharmacies, participating....876
Physical therapy services....947
Physician anesthesia services....938
Physician assistant services....846, 944
Physician reimbursement....903
Physicians....846, 931, 947
Podiatrist services....944
Poor quality care, denial of payments....918
Prospective payment system....848
Prosthetic devices....939
Provider agreement and supplier participation....837
Psychiatric services, outpatient....944
Psychologist services....864
Qualified Medicare Beneficiaries (QMB):
State cost sharing....892
Quality of care exclusion....657
Radiology fee schedule....937
Railroad retirement beneficiaries....3572
Reasonable cost regulation....857
Rehabilitative facility services....944
Respiratory care....913
Rural health clinics....864
Rural practitioners amendments....663
Screening mammography....866
Seat lift chairs....875
Secondary payer....858, 908
Single photon absorptiometry....928
Skilled nursing facilities....841, 850, 852, 854
Skilled nursing facility enforcement provisions....870
Specialists, charge differentials....845
Speech pathology services....947
State inspection of health facilities....882
State and local government employees....713
Supplemental medical insurance program....831, 872, 951
Surgical procedures, preprocedure review....838
Swing-bed program....942
Third-party recovery....908
Uninsured aged premium....950
Vision care....846
X-ray service coverage....909
Mental health programs:
State block grant waivers for new programs....767
Merchant marine:
See Maritime carriers
Seamen
Metals:
See also Specific metals
Copper and beryllium effluents....3037
Lead and copper in drinking water....3078
Nonferrous effluents of manufacturing processes....3049
Metric system conversion....444
Micrographics records management....3422
Migrant labor:
Aliens:
Certification process....1485
Job service complaint system....1469
Worker shortage....1454

Sequence Number

Migratory birds:
See Wildlife
Military academies:
Maritime....2206
Military arms sales:
See Arms and munitions
Military installations:
See Federal buildings and facilities
Military law:
Claims and tort litigation....542
Release of official information....540
Military personnel:
See also Armed forces
Armed forces reserves
Army General Counsel's honors program....531
CHAMPUS....449, 479
Child development programs....480
Civilian health and medical program....449
Overseas air charter tariffs....1652
Release or discharge, active duty....482
Whistleblower protection....453
Milk:
Dairy indemnity payment program....38
Marketing orders....6
Price support program....23, 54
Mine safety and health:
Air quality standards....1513
Backfilling and grading of coal mines....1297
Battery-powered devices....1518
Berms and guardrails....1516
Blasting units, multiple-shot....1530
Blasting units....1523
Confined-space hazards....1505
Conveyor belt flammability....1522
Detonator performance requirements....1507
Electric cables and splice kits....1517
Electric motor assemblies....1520
Employee certification....1533
Explosion-proof enclosures....1519
Fire drills records....1539
Hazard communication....1512
Lamps, electric....1535
Metal and nonmetal mines:
Electrical standards....1509
Explosive standards....1527
Radiation standards....1528
Methane in metal/nonmetal mines....1538
Noise control standard....1505
Pattern-of-violations provision....1525
Protective devices, respiratory....1529
Refuse piles and impoundment structures:
Recordkeeping....1514
Reporting and recordkeeping requirements....1511, 1524
Rescue equipment test and inspection records....1536
Respiratory protective devices....768
Roof, face and rib support....1521, 1532
Safety standards....1531
Self-rescue devices recordkeeping....1537
Training:
Newly employed experienced miners and supervisors....1515
Underground coal mines:
Electrical standards....1508
Equipment, diesel-powered....1504
Explosives and blasting....1510
Ventilation....1526
Warning devices, automatic on equipment....1534
Mineral resources:
See also Coal
Metals
Oil and gas reserves
Public lands-mineral resources
Air quality standards....1289
Coal....1337
Disposal from forest lands....225

Sequence Number

Mineral resources—Continued
Environmental impact statements....1290
Forest land, National....214
Fractions sale, forest lands....207
Information release....1285
Leases on Indian land....1238
Mineral rights within national parks....1201
Mining claims....1326, 1333, 1336
Mining leases on Indian lands....1255
Mining within national parks....1228
National forests....202, 204, 212
Oil and gas:
Management of non-Federal development....1196
Operations in the OCS....1269, 1289
Outer Continental Shelf....347, 1269, 1270, 1273, 1289
Payments, recoupment and refunds....1270
Program revisions....1294
Prospecting and mining on Indian lands....1254
Public information....1277, 1343
Public lands:
Federal Lands Program....1298
Mining in Everglades National Park, FL....1217
Non-commercial gold panning....1232
Surface mining....1296
Tax treatment, S Corporations....2464
Trespass on public lands....1319
Mineral royalties:
Appeals of decisions or orders....1287
Assessment for incorrect payment or information....1278
Coal....1358
Federal funding limitation for cooperative agreements....1268
Gas valuation....1274, 1275
Geothermal....1284
Late payments and underpayments....1286
Recoupments and refunds....1270
Service of official correspondence....1279
Stay of decisions and orders pending appeal....1271
Valuation....1282
Miners:
See Mine safety and health
Mines:
See also Mine safety and health
Surface mining
Backfilling and grading....1311
Coal:
Exploration....1337
Extraction during exploration....1306
Fees, rents, royalties....1358
Mining plans....1298
Permits for special categories....1301
Coal mines:
Exploration permits....1135
Permits and penalties....1302
Contour variances....1313
Hydrologic functions preservation....1301
Information release....1285
Military lands withdrawals....1341
Mining claims....1326, 1333, 1336
Permits for categories of surface mining....1301
Reclamation and enforcement....1312
Surface mining:
Backfilling and grading of coal mines....1297
Coal mining on DOI lands....1296
Contour variances....1313
Lands unsuitable for....1305
OSMRE use of reclamation penalty funds....1314
Permit to reclaim....1312
Underground mining:
Surface impact of....1304
Waste regulatory program....3110
Minority businesses:
Department of Transportation programs....1616
Federal contracting goals....1628
Small business and capital ownership development....3628
Small disadvantaged businesses....469, 526

Sequence Num

Minority groups:
See Civil rights
Minority businesses
Mobile offshore drilling units:
See Vessels
Mortgage insurance:
Flood disaster protection....1000
Indians, Seneca....1067
Multifamily....1028
Penalty for lack of documentation....1064
Price Level Adjustment Mortgages....1015
Retirement service centers....1029
Senior citizens....1013
Single-family:
Retention period for claim records....1024
Termination....1010
Mortgages:
See also Mortgage insurance
Cash public sales....1017
Eligibility requirements....1068
FHA adjustable rate....1047
Flexible subsidy eligibility....1052
FNMA security, definition....994
Foreclosure sales....1030
Foreclosures....1019
Hawaiian Homelands Rule....1048
Home mortgage disclosure....3947
Insurance, single family....1045
Loan origination fees....1066
Multifamily rental housing....1027
On vessels, endorsement of....1709
Prepayment....1051
Temporary assistance payments....1043
Title defects....1018
Motor carriers:
See also Buses
Brakes and brake systems....1940
Commercial, safe entry and exit....1992
Commercial vehicles, definition of....1942
Container rates, trans-Pacific ocean freight....3937
Container weights, south European trade....3938
Driver licensing:
Biometric identification system....1928
Canadian licenses....1975
Traffic violations....1950
Written examinations....1963
Emergency warning devices....1941
Federal safety regulations:
Reduced reporting....1935
State regulations preempted by....1932
Foreign....1947, 1959
Fuel economy standards....2080
Insurance:
Foreign carriers while in the U.S....1947
Licensing procedures....3997
Marking of vehicles....1929, 1973
Moving of Household goods:
Review of regulation....3992
Noise standards....1953
Private carriage of passengers....1949
Radioactive materials....2136
Safety:
Intracity zone exemption....1959
Self-insurance....1924
Size and weight of combination....1964
Stock purchase audits....2124
Trucks:
Drivers with diabetes....1925
Financial responsibility....2151
Impact protection for driver....1983
Rear underride protection....2002, 2003
Size and weight....1927, 1967
Wheel, false latching....2036
Uranium hexafluoride packaging safety....2185

Sequence Number

Motor carriers—Continued
Violations of Section 521(b), Title 49 USC....1944
Motor vehicle safety:
Airbag, passenger-side....1993
Anthropomorphic test dummies:
Adult....2053
Battery explosions....1991
Brake fluids, color requirement....2041
Brake hoses....2029, 2040
Brake lining....1990
Brake systems:
Air, container chassis....2035
Air, supplemental connector....2034
Air....2090
Antilock brake systems....1996
Automatic brake adjusters....2071
Brake failure indicator lamp....2039
Hydraulic....2094
Inspection....1940
Parking, timing requirements....2042
Parking and emergency....2019
Passenger cars....2007
Towing vehicles....2051
Trucks, buses, trailers....2006
Trucks, stopping-distance performance....1997
Bumper modification....2009
Buses:
Fuel system integrity, upgrade....2013
School....1981, 2084
Buses, school....2008
Commercial vehicles:
Entry and exit requirements....1992
Conspicuity....2002
Crashworthiness ratings....2052
Door locks and retention components....1984
Driving records, obtaining....2017
Drunk-driving-prevention programs....2060
Fuel system, testing....2030
Fuel system integrity....1986, 2031
Gear lock....2065
Glazing materials:
Film transmittance....1980
Glass-plastic....2027
Head restraints....2058, 2100
Head/neck protection....2004
Headlamps:
Integral aim capability....2098
Replaceable bulbs....2067
Sealed beam....2097
Headlighting reform petitions....2046
Imported vehicle fees....2075
Imported vehicles and equipment....2077
Importers of nonconforming vehicles....2074, 2076
Injury criteria....1987
Lamps:
Passenger car requirement....1982
Lamps, humidity test....2047
Lamps, optically combined....2033
Lamps, wide vehicles....1979
Lamps and reflective devices....2086
Lighting, color-coded rear....2048
Lighting simplification....2056
National Driver Register, FAA access to....1853
Occupant crash protection:
Dynamically tested seat belts....2044
Rear seat lap/shoulder belts....2061
Upgrade....2014
Occupant crash protection....2092, 2093
Occupant ejection mitigation....2004
Passengers and occupants:
Impact protection....1985
Pedestrian head protection....2037
Rearview mirror systems....2016, 2088
Rearview mirrors....2089

Sequence Number

Motor vehicle safety—Continued
Restraint system:
Newborn and very small children....1994
Rollover....1977
Roof crush resistance....1984, 2045
Safety standards....2011
School buses:
Rearview mirrors....2016
Stop-signal arms....2015
Window retention and release....2012
Seat belts:
Assembly anchorages....2063
Emergency locking retractors....1989
Rear seat, lap/shoulder....2085
Windowshade type....2001
Seatbelt use within National Park Service areas....1230
Seating systems, pedestal....2043
Seating systems, performance....1998
Seats....2062
Side-impact protection, thoracic....2055
Side-impact protection....2004, 2010
Starter interlock....1978, 2095
Stop lamps....2069
Sunroofs....2028
Test, ball drop....2024
Test dummies:
Chest injury criteria....1976
Nine-month old child....2023
Six-year old child....2022
Three-year old child....2021
Theft protection....2065
Tires:
CT....1999
Pneumatic, labeling....2000
Pneumatic, standards....2049
Rolling resistance....2082
Size labeling....2050
Treadwear grading procedures....2054
Tractor-trailer fifth wheel....2036
Trailer stability, heavy....2083
Transmission braking, shift position....2011
Transmission braking, slippage....1978
Transmission braking....2095
Transmission shift-lever sequence....1978, 2011, 2095
Trucks:
Occupant crash protection....2072
Rear underride protection....2003
Turn signals....2069
Visibility research....2032
Wheel, latching of fifth....2036
Windows, power operated....2028
Windshield wipers....2096
Motor vehicles:
See also Buses
Fuel economy
Motor carriers
Motor vehicle safety
Traffic regulations
All-terrain vehicles....3772
Automobile:
Bumper standards....1988, 2026
Fuel economy standards....2080, 2087
Automobile transporters:
Saddlemount combinations....1946
Buses....2118
Carbon monoxide emission standards....3171
Classification....2057
Commercial vehicles, definition of....1942
Consumer information regulations....2070
Contractor acquisition standards....633
Diesel fuel....3173, 3175
Dual-fuel passenger cars....2038
Energy management regulations....632

Sequence Number

Motor vehicles—Continued
Foreign manufacturers:
Vehicle identification number....2068
Government use regulated by the FPMR....3333
Handicapped identification and parking....1930
Hazardous materials, transportation....2148
Headlighting requirements....2081
Heavy-duty gasoline engines, trading and junking....3197
Hydrocarbon emissions during refueling....3196
In-use, emissions....3195
Light trucks:
Classification....2057
Fuel economy standards....2080
Minivans:
Classification....2057
Odometer disclosure requirements....2066
Of Canadian manufacture....3170
Off-road vehicle restrictions....1193, 1198, 1215, 1222
Off-road vehicles....223, 1363
On-board diagnosis of emission controls....3168
Safety standards:
Test dummies....2022
Snowmobile regulation....1189, 1206, 1213, 1222
Theft prevention....1995, 2101
Theft prevention standard....2079
Theft protection....2091
Theft reporting....2059, 2078
Tires:
Multipiece wheel rims....2099
Non-pneumatic....2064
Trucks:
Conspicuity....2002
Dromedary decks and plates....1945
Fuel economy standards....2005
Length and width determination....1926
Rear bumpers....2187
Rear underride protection....2002
Size and weight....1946, 1961
Used in interstate commerce:
Marking rented or leased vehicles....1929, 1973
Motorcycles:
See Motor vehicles
Moving of household goods:
Licensing freight forwarders....3997
Munitions:
See Arms and munitions

N

Narcotics:
See Drug traffic control
National cemeteries:
See Cemeteries
National defense:
See Armed forces
Arms and munitions
Civil defense
Classified information
National defense contracts:
See Government contracts
Government procurement
National forests:
Alaska:
Fish and wildlife conservation....224
Cabins, isolated....189
Crime prevention....206
Dams and reservoirs:
Land use rental fees....219
Disabled persons, access....217
Environmental policy revisions....218
Fire prevention....205, 206
Forest Service Manual, revisions....217
Fossil collecting prohibition....228
Grazing fees....227
Grazing and livestock use....196
Hells Canyon National Recreation Area....231

Sequence Number

National forests—Continued
Hydroelectric uses....203
Insect and disease control....217
Land and resource management plans....220
Large group use....208
Mineral leasing....202
Mineral rights, reserved and outstanding:
Mitigation measures....212
Oil and gas leasing....229
Ouachita:
Quartz mineral disposal....214
Recreation areas....187
Recreation residences....193
Special-use applications:
Fees....197
Timber sales:
Financial security policy....195
Title records....221
Wilderness or wild areas....192
National guard:
See Armed forces reserves
National Institutes of Health:
Regulations revision....826, 827
Volunteers....828
National Library of Medicine:
Regulations revision....829
National parks:
Alaska:
Areas closed to motorboat, snowmachines and aircraft....1213
Alaska Region National Preserve Areas:
Hunting restrictions....1229
Apostle Islands National Lakeshore, WI:
Snowmobile areas....1189
Archeological resources....1192
Big Cypress National Preserve, FL:
Indian use and occupancy....1210
Big Thicket National Preserve:
Hunting regulations....1197
Bighorn Canyon NRA:
Fishing....1225
Canyon DeChelly NM, AZ:
Horse rental facilities....1223
Cape Cod National Seashore:
Off-road vehicles....1215
Cape Hatteras National Seashore, NC:
Routes for off-road vehicles....1198
Cuyahoga Valley NRA, OH:
Off-road vehicles....1222
Everglades National Park, FL:
Mining in....1217
Fort Jefferson National Monument, NM:
Fishing for crayfish and conch....1216
Fort Jefferson National Monuments, NM:
Boundary changes....1216
Glen Canyon NRA:
Commercial boating....1200
Grand Canyon NP, AZ:
Flight rules....1920
Hawaii Volcanoes NP:
Fishing....1199
Indiana Dunes National Lakeshore:
Repeal of zoning standards....1188
Jean Lafitte NHP, LA:
Fishing....1221
Katmai NP, Alaska:
Fishing regulations....1233
Lake Chelan NRA:
Target practice....1219
Lake Mead National Recreational Area:
Glass beverage container restrictions....1204
Land and Water Conservation Fund....1231
Mammoth Cave NP:
Fishing in accordance with Kentucky law....1194
Mineral rights within....1201

Sequence Number

National parks—Continued
Oil and gas development within....1196
Ozark National Scenic Riverways:
Motorboat restrictions....1205
Recreation fees within the NPS....1207
Rocky Mountain NP:
Trucking regulations....1226
Ross Lake NRA:
Target practice....1220
Sequoia and Kings Canyon NPs, CA:
Fishing....1202
Surface coal mining prohibited....1303
Use of water in mineral extraction....1228
Vehicle seatbelt regulations....1230
Visibility protection....3151
Voyageurs NP, MN:
Aircraft landing restrictions....1208
Snowmobile regulation....1206
Whiskeytown NRA, CA:
Fishing....1224
Gold panning....1232
Yellowstone NP:
Use of US highway 191....1190
Yosemite NP, CA:
Use control of privately owned land....1203
National Register of Historic Places:
See Historic preservation
National seashores:
See Seashores
National security information:
See Classified information
National trails system:
Appalachian National Scenic Trail:
Protection, resource and visitor....1195
National Wildlife Refuge System:
See Wildlife refuges
Nationality:
See Citizenship and naturalization
Native Americans:
See Indians
Natural gas:
See also Oil and gas exploration
Oil and gas reserves
Pipelines
Dual accounting requirement....1274
Dual-fuel passenger cars....2038
Imports and exports, short-term....627, 628
Optional certificates, transportation....3886
Pipeline rights....3894
Pipelines....3890
Production....1274
Sales certificates....3888
Seller refund report....3893
Valuation....1232
Valuation benchmark....1275
Wellhead Decontrol Act....3896
Natural resources:
See also Coastal zone
Continental shelf
Energy
Environmental protection
Fish
Forests and forest products
Marine resources
Mineral resources
National forests
Public lands
Recreation and recreation areas
Soil conservation
Water resources
Wildlife
Archeological....3636, 3639
Cave protection....215
Coastal zone management....347
Endangered and threatened wildlife....351

Sequence Number

Natural resources—Continued
Estuarine reserve research system....412
Marine sanctuary program....385-428
Outer Continental Shelf....347
Permit applications....535
Naturalization:
See Citizenship and naturalization
Naval stores:
See Forests and forest products
Navigable waters:
See Waterways
Navigation (air):
Aeronautical charts and maps....1879
Airspace regulations, routine issue of....1887
Airspace system, exemption of regulations....1864
ATC transponders, system tests....1911
Equipment required for flights within TCAs....1894, 1897
Equipment used by aircraft within TCAs....1918
Equipment used when under VFR in a TCA....1860
Helicopter instrument flight....1871
Instrument flight rule requirements....1910
Instrument flight rules....1884
Objects affecting navigable airspace....1805
Sole Means Radio Navigation System....1799
Standard instrument approach procedures....1886
Visual flight rules, U.S. Control Area....1792
Visual flight rules....1786
Navigation (water):
Collisions at Sea, International Regulations for Preventing....1746
Fairway systems, California coast....1714
Gulf of Mexico Inland Waterway....1686
Inland Navigation Rules....1707
Navigation aids on the continental shelf....1676
Operating requirements, Elizabeth River....1772
Private electronic navigation aids....1699
References to obsolete aids....1739
Regulations for Kings Bay, GA....1773
Ship channel, Brownsville, TX....1705
Training:
Use of automatic RADAR plotting aids....1684
U.S. Aids to Navigation System....1745
News media:
See also Newspapers and magazines
Radio
Television
Newspapers and magazines:
Newspaper notices of GSA leasehold acquisitions....3359
Nextals:
See Grains
Noise control:
Aircraft operations....1785, 1891
Motor carriers:
Standards amendment....1953
SST stage 3 standards....1782
Turboprop (propfan) aircraft....1892
Withdrawal of products from EPA reports....3082
Nondiscrimination:
See Civil rights
Nonprofit organizations:
Audits of grantees....673
Inventions licensed by NSF-supported organizations....3442
Nuclear energy:
See Nuclear materials
Nuclear power plants and reactors
Nuclear materials:
Canada, heavy water export....4077
Classified matter, access to....621, 653
Disposal....622
Geologic repository for waste....4093
Human reliability program....621
Import and export....4077
Incidents notification....4040
Indemnification of radiopharmaceutical licensees....4096
Industrial device user report....4058

Sequence Number

Nuclear materials—Continued
Medical use of byproducts....4038, 4043, 4074
Nuclear fuel....4060
Palladium-103 for cancer treatment....4074
Radiation therapy....4038
Radioactive waste....4082
Uranium mill tailings....624, 4037
Nuclear power plants and reactors:
Accessibility, handicapped persons....4068
Codes and standards....4041, 4046
Emergency preparedness....4080
Emergency Response Data System....4056
Geologic repository licensing....4052, 4055
Human reliability program....621
Incidents notification....4040
Insurance....4049, 4092, 4094
Leakage testing....4062
License renewal....4045
Licenses and permits....4084, 4085, 4087
Licensing....4030
Liquid control systems....4089
Maintenance programs....4071
National security emergency....4091
Nuclear occurrence....4029
Onsite incineration of waste....4034
Personnel:
Access authorization....4063
Background investigations....4099
Credit checks....4053
Day firing qualifications....4054
Degree requirements....4086
Fitness for duty....4090
Free flow of information....4078
Operator licensing hearing....4075
Physical fitness program....4054
Security Guards....4026
Witness sequestration....4073
Physical protection requirements....4048, 4072
Pressurized thermal shock....4044
Product inspection and testing....4047
Radiation protection standards....4061
Radiation safety requirements....4042
Reporting requirements....4028
Safeguards information....4095
Safety regulations....4031, 4044
Spent fuel storage....4051
Spent nuclear fuel storage....4069
Three Mile Island....4029
Transportation of low-level waste....4057
Uranium enrichment facilities....4088
Uranium mill tailings sites....4037
Waste disposal, low-level....4067
Nuclear safety:
See Radiation protection
Nursery stock:
See Plants
Nursing homes:
See also Health facilities
Adverse information data bank....806, 812
Long-term care....923
Medicare and Medicaid benefits....862
Medicare/Medicaid enforcement provisions....870
Optional Medicare payment system....841
Residents' funds charges....854
Nursing schools:
See Medical and dental schools
Nutrition:
See also Food assistance programs
Foods
Food labeling....785

O

Occupational safety and health:
See also Mine safety and health
Workers' compensation

Sequence Number

Occupational safety and health—Continued
Agricultural pesticides....3004
Air carrier crewmembers:
Protective breathing equipment....1912
Air contaminant exposure limit....1550
Back injuries:
Manual lifting....1544
Benzene exposure....1552
Breathing apparatus on board vessels....1688
Building maintenance....1591
Cadmium fumes and dust....1566
Carcinogen policy....1547
Cargo handling....1555, 1563
Concrete and masonry construction....1574
Confined-space hazards....1554
Construction materials exposure....1549
Electric power generation and distribution....1582
Electrical work practices....1575
Ethylene dibromide exposure....1573
Excavations....1576
Fall protection....1553, 1577
Formaldehyde exposure, apparel and pressed woods....3017
Formaldehyde exposure....1560
Glycol ethers....1562
Government employee property....487
Hazardous energy sources (lockout/tagout)....1593
Hazardous materials....1545, 1546, 1567, 1589
Hazardous waste handling....1570
Healthcare workers:
Bloodborne infectious diseases....1590
Hydrogen sulfide....1353
Industry:
Hazardous waste operations....3240
Ladders and stairways....1580
Lead exposure....1594
Logging industry....1579
Marine carrier employees:
Exposure to benzene....1667
Methylene chloride exposure....1564
Motor vehicle operation....1571
Offshore structures....1664
Oil and gas well drilling and servicing....1551
Perchloroethylene....3143
Personal protective equipment....1558, 1587
Personnel of off-shore structures:
Evacuation procedures....1748
Pulp, paper, and paperboard mills....1556
Railroad bridge workers....2103
Respirators....1548
Respiratory protection standards....768
Scaffolds....1578
Shipyard standards....1568, 1583, 1584, 1585, 1588
Steel erections....1557
Toxic substances exposure of laboratory workers....1572
Toxic substances exposure limits....1569
Transuranium elements, exposure to....3068
Underground construction....1592
Walking and work surfaces....1565
Welding, cutting, and brazing....1559
Welding, cutting, and heating....1586
1,3-Butadiene....1561
14,4'-Methylenedianiline exposure limits....1581
Occupational training:
See Manpower training programs
Vocational education

Sequence Number

Ocean dumping:
See Water pollution control
Ocean resources:
See Marine resources
Off-road vehicles:
See Traffic regulations
Offshore structures:
See Continental shelf
Oil and gas:
See also Petroleum
Air quality standards....1289
Competitive leases....1335
Cooperative agreements....1354
Drilling operations, casing....1331
Exploration....1323
Gas valuation....1275
Hydrogen sulfide....1353
Inspection and enforcement....1354
Leasing....1323, 1335, 1350
Outer Continental Shelf....1272, 1283
Pollution contingency plan....3219
Royalty management....1354
Used, disposal of....3083
Waste prevention....1338
Water disposal....1320
Well workovers, completions, abandonments....1334
Oil and gas exploration:
Exploration....1335
Indian lease overpayment recoupment....1281
Marine mammals, incidental taking....366
National forests....229
Offshore mobile drilling units:
Licensing of officers and operators....1718
Regulation of....1682
Oil and gas reserves:
Competitive advertising for development....1258
Extraction facilities:
Effluents into coastal waters....3031
Mineral agreements for Indian owned....1258
Royalty payments to the Osage Tribe....1261
Standards for offshore oil and gas extraction....3048
Old-age, Survivors, and Disability Insurance:
Acquiescence Ruling....741
Administrative procedure....742
Aid to families with dependent children....731
AIDS evaluation criteria....704
Aliens....748
Annual earnings test....758
Appeals, continued payment during....755
Application of Circuit Court law....741
Benefits adjustment....698
Blindness....710
Cancelled examinations....750
Cardiovascular system, disability criteria....695
Child support contributions for....718
Compliance with Federal law....736
Consultative examinations....734
Disability determinations....710, 721
Down Syndrome....749
Earnings records, corrections....708
Earnings reports, supplemental....719
Evaluation of symptoms, including pain....739
Federal employment social security coverage....760
Government pension....714
Immune system disorders evaluation criteria....704
Income....745
Interim disability benefits....727
Mental disorders, evaluation criteria....726
Mental disorders--childhood listings....703
Multiple impairments....699
Musculoskeletal system, disability criteria....697
Nazis, suspension of benefits of deported....725
Overpayments....740
Pensions from noncovered employment....759

Sequence Number

Old-age, Survivors, and Disability Insurance—Continued
Prisoners, nonpayment of benefits to:
Vocational rehabilitation exception....705
Representatives, suspension and disqualification....720
Respiratory system, disability criteria....696
Social security number, required for benefits....724
Social security number card:
Aliens....748
Duplicates....747
Social security numbers, newborn children....754
Substantial gainful activity, guidelines....756
Substantial Gainful Activity (SGA)....701
Vocational factors....722, 746, 764
Vocational rehabilitation:
Payment of costs....737
Prisoners....705
Vocational rehabilitation, continuation of benefits....732
Wages....745
Widow's/widower's benefits:
Certificate of election....761
Divorced spouse after remarriage....762
Onions, Vidalia....8
Organization and functions:
See also Authority delegations (Government agencies)
ATBC Board....2980, 2981
Farm Credit Administration:
Designation of FCA official to receive process....3795
Receiver....3792
Federal Aviation Authority:
Agency-wide reorganization....1883
Fishermen's Guarantee Program....407
General Services Administration:
Changes to office titles and symbols....3319
Housing and Urban Development....1102
Nuclear Regulatory Commission:
Advisory committees....4100
Deputy Director....4097
Meeting definition....4039
Reorganization....4076
Title changes within the VA....2963
United States Coast Guard:
Authority to issue written warnings....1742
Honolulu and Guam Marine Inspection Zones....1774
Marine Safety Center, change of address....1775
VA Committee on Waivers and Compromises....2937
VA organizational terminology....2964
Outer continental shelf:
See Continental shelf
Over-the-counter drugs:
Safety....775
Overtime pay:
See Wages

P

Packaging and containers:
See also Labeling
Aspirins....3785
Biological material....769
Child-resistant....2998, 3779
Etiologic agents....2175
Fish and wildlife....1158
Hazardous materials standards....2137
Household substances, child resistant....3781
Medroxyprogesterone acetate tablets....3786
Net weight....170
Poison Prevention Packaging Act....3770
Tobacco manufacturers identification....2244

Sequence Number

Paint:
See Lead poisoning
Paperwork requirements:
See Reporting and recordkeeping requirements
Parachutes:
See Aircraft
Parks:
See National parks
Passenger vessels:
See also Maritime carriers
Cooking fuels on board ... 1727
Ferries, Elizabeth River, Portsmouth, VA ... 1772
Personnel qualifications for small vessels ... 1695
Small vessel inspection and certification ... 1731
Passports and visas:
Nonimmigrants, waivers of ... 1421
Transit without visa ... 1392
Patents:
See Inventions and patents
Pay:
See Wages
Peanuts:
Loans ... 18, 26, 50
National poundage quota ... 28
Poundage quota ... 35
Price support program ... 39, 41, 44
Quotas ... 20
Shrink adjustment ... 34
Peer Review Organizations (PROs):
Home IV drug therapy ... 867
Rural practitioner amendments ... 663
Sanctions notification process ... 669
Substandard care, denial of payment ... 918
Surgical procedures, preprocedure review ... 838
University Affiliated Facilities program ... 693
Penalties:
See also Seizures and forfeitures
Civil, archeological resource protection ... 3639
Pensions:
See also Railroad retirement
Social security
Accruals and contributions under ADEA ... 3267
Adequate consideration definition ... 1494
Annual report requirement:
Civil penalties ... 1501
Domestic relations orders ... 1490
Early distribution ... 2330
Employer liability ... 3554
Individual account plans ... 1493
Multiemployer plans:
Withdrawal liability ... 3551, 3556, 3557, 3558, 3562
Nondiscrimination requirements ... 2382
Portability in service contracts ... 3414
Reporting and recordkeeping requirements:
Multiemployer plans ... 1488
Single employer plans ... 1489
Single-employer plans:
Employer liability ... 3561
Premium payments ... 3563
Terminations ... 3559, 3560
Transfers ... 3550
Withdrawal liability ... 3553
Summary Annual Report (SAR) ... 1492, 1498
Top Hat plans ... 1491
Trusteed plans, payment of benefits ... 3552
Valuation of plan benefits ... 3555
Pesticides:
See also Plant diseases and pests
Advertising restriction ... 3003
Certification of applicators ... 2989, 2990
Chemical effluent guidelines ... 3034
Child-resistant packaging ... 2998
Data requirements ... 2995
Disposal and storage guidelines ... 2997
Good laboratory practice standards ... 3005, 3028

Sequence Number

Pesticides—Continued
Groundwater protection from ... 2986
Intended for export ... 2996
Inventory with cancelled registration ... 3002
Labeling requirements ... 3001
Microbial, experimental use ... 2991
Negotiated consent/procedural test rule ... 3021
Plants, transgenic ... 2985
Production and distribution records ... 2994
Registration of ... 2987
Reporting requirements ... 2992
Residue in food additives ... 3000
Sale of restricted use pesticides ... 2988
Storage and disposal ... 2993
Test rules and consent agreements ... 3011
Workers protection standards:
Agricultural workers ... 3004
Petroleum:
See also Fuel additives
Gasoline
Oil and gas exploration
Oil and gas reserves
Pipelines
Exports ... 299
Foreign trade ... 299
Fuel and fuel additives ... 3145, 3176
Liquefied gases ... 1567
Low sulfur diesel fuels ... 3175
Oil pollution:
Clean up of discharges ... 3219
Oil spill control ... 3085
Sulfur dioxide emissions from refineries ... 3202
Underground storage tanks:
Financial responsibility ... 3131
Pets:
Animal welfare regulations ... 63
Physically handicapped:
See Handicapped
Physicians:
See Health professions
Pilots:
See Airmen
Pipeline safety:
Aluminum cylinders ... 2154
Carbon dioxide ... 2165
Corrosion determinations ... 2174
Damage prevention program ... 2168
Gas detection and monitoring ... 2153
Gas gathering line definition ... 2139
Gas and liquid welding ... 2134
Hazardous liquid annual report ... 2188
Hydrogen sulfide ... 2160
Inspection devices, internal ... 2164
Leakage surveys ... 2161
Line marking and public education ... 2140
Maps and records of location ... 2146
One-call systems, State grants ... 2147
Operation and maintenance procedures ... 2144
Operator plans or procedures ... 2167
Operator qualifications ... 2142
Pressure ... 2145, 2186
Pressure regulators, inspection ... 2162
Reporting and enforcement rules ... 2191
Steel pipe manufacturing specification ... 2190
Stress levels ... 2135
Weld defects ... 2163
Welding requirements ... 2189
Pipelines:
See also Natural gas
Pipeline safety
Natural gas contracts ... 3887
Plant diseases and pests:
Imported fire ant ... 59
Imports ... 56

Sequence Number

Plants:
See also Endangered and threatened species
Plant diseases and pests
Convention on International Trade....1140, 1153
Designated ports....1151
Endangered and threatened....1157, 1159, 1160, 1162, 1164, 1166, 1169
Patent applications....431
Poison prevention:
See also Lead poisoning
Lead-based paint in housing....1109
Police:
See Law enforcement officers
Political activities (Government employees):
Conflict of interest....3497
Pollution:
See Environmental protection
Ports:
See Harbors
Postal Service:
Rates paid to air mail carriers....1651
Shipper export declarations....265
Posters:
See Signs and symbols
Potatoes....9
Poultry and poultry products:
Additional substance use....150
Annual reports....236
Antioxidants....137
Binders....167
Breakfast strip products....174
Canadian imports....179
Communicable diseases....57
Cross-contamination prevention....136
Detention notification....153
Dried ready-to-eat....143
Equal to requirements....146
Export certification....149
Flavor enhancers....128
Food additives....147
Import inspections....118
Import requirements....165
Importation....177, 178
Imports....140
Improved processing system....181
Inspection....124, 133, 134, 140, 141, 162
Inspection system, streamlined....148
Jar closure requirements....145
Labeling....122, 135, 138, 155
Mechanically deboned chicken....152
Mixture, use of binding....172
Net weight....170
Pest control....151
Restructured....161
Retail store inspection exemptions....142
Salmonella and other enteric bacteria....121
Sealed containers....119
Turkey ham....175
Voluntary grading....4
Water system approval....125
Poverty:
See Community development
Food assistance programs
Power resources:
See Energy
Practice and procedure:
See Administrative practice and procedure
Prescription drugs:
Marketing regulations....792
Medicare coverage....869, 878
Presidential records:
See Archives and records
Price support programs:
Cotton....21
Feed grains....22
Honey....14, 45

Sequence Number

Price support programs—Continued
Milk....23, 54
Peanuts....26, 39, 41, 44
Rice....12, 47
Soybeans....19
Sugar....53
Sugar beets and sugarcane....30
Tobacco....15, 25, 40, 42, 43
Wheat....48
Wool and mohair....13, 36
Privacy:
See also Confidential business information
Confidentiality of VA medical records....2859
Disclosure of NCUA records....4022
FDIC investigative files to be exempt from the Privacy Act....3879
Records....2974, 3371
Release of bank customer financial records....3918
VA lists of names and addresses....2940
Procurement:
See Government procurement
Professional Standards Review Organizations:
See Peer Review Organizations
Prosthetic devices:
See Medical devices
Public assistance programs:
See Aid to Families with Dependent Children
Child welfare
Medicaid
Supplemental Security Income (SSI)
Public broadcasting:
Equal employment opportunity....672
Public buildings:
See Federal buildings and facilities
Public health:
See also Immunization
Meat inspection
Waste treatment and disposal
Air quality standards....3136, 3137
Blood and blood products....777
Methylene chloride....797
Public housing:
See also Low and moderate income housing
Rent subsidies
Admission procedures....1110, 1114
Agency employee wages....1106
Contributions contract....1111, 1114
Drug-related crime....1034, 1115
Flexible subsidy program....1052
Improvement grants....1120
Indian....1108
Maintenance and operation....1119
Utility consumption....1119
Public lands:
See also Grazing lands
National forests
National parks
National trails system
Public land-mineral resources
Alaska, special use....222
Alaska Native village selections....1346
Archeological resources, protection....3636, 3639
Cadastral survey....1327
Cave management....1347
Classification....1345, 1362
Controlled substances....1366
Cultural resource management....1321
Exchanges....1332
Forest products removal, unlawful....1339
Geothermal resources....1329, 1360
Grazing administration....1367
Grazing fees....227
Hearings and appeals....1136
Hydrogen sulfide....1353
Indian allotments....1328

Sequence Number

Public lands—Continued
Law enforcement....1339
Leases....1340
Mining in military lands....1341
Nonmineral entries on mineral lands....1330
Oil and gas drilling operations....1331
Paleontological resources....1317
Permit and easements....1340
Permits for public assemblies....1349
Policy and management....1340
Recreation and recreation areas....1318, 1322
Right-of-use....1315
Rights-of-way....1324, 1325, 1365
Sale or transfer of Federal land:
Hazardous materials disclosure....3228
San Pedro Riparian National Conservation Area....1351
Segregation and opening....1342
Soil surveys....254
Timber sales contracts....1344, 1359
Title records, National Forest System....221
Trespass....1365
Unauthorized use....1319
Water from oil and gas wells....1320
Wild horse and burro protection....1348
Public lands-mineral resources:
Coal extraction during exploration....1306
Lands unsuitable for surface mining....1305
Leasing....202
Mining claims....1326
Nonmineral entries on mineral lands....1330
Oil and gas drilling operations....1354
Oil and gas leasing....229, 1323
Oil and gas well workovers, completions, abandonments....1334
Public information....1277, 1343
Repeal of 2-acre exemption....1291
Reserved and outstanding mineral rights:
Mitigation measures....212
Rights-of-way....1324
Surface coal mine ownership information....1307
Surface coal mine reclamation activity....1308
Water from oil and gas wells....1320
Public meetings:
See Sunshine Act
Public utilities:
See Electric utilities
Natural gas
Utilities
Water supply
Public works:
See Community facilities
Publications:
See Government publications
Newspapers and magazines

R

Radiation protection:
See also Radioactive materials
Accidental exposure emergency plan....4080
Emergency Response Data System....4056
Industrial device user report....4058
Radioactive materials:
Exposure levels....3067
Radiofrequency radiation....3070
Radiographic exposure devices, industrial....4065
Standard....4061
Therapy....4038
Waste treatment and disposal....4034
Radio:
Automated transmitter identification system....3829
Emergency private carriers....3856
FM translators....3838
Off-frequency operation....3862
Ownership rules....3831
Sole Means Radio Navigation System....1799
Two-way, aviation to airport....1922

Sequence Number

Radioactive materials:
See also Nuclear materials
Radiation protection
Disposal....622
Land location records....624
Medical byproduct use....4036
Private carrier licenses....2180
Radioisotope licenses....4050
Safety and license requirements....4042
Transportation....4066
Transportation safety....2181, 2182
Waste disposal....4035
Radioactive waste:
See Hazardous waste
Railroad employees:
See also Railroad retirement
Railroad unemployment insurance
Alcohol and drug testing regulations....2110
Bridge worker safety....2103
Disability determinations....3564
Locomotive operator qualification....2104
Safety sensitive functions....2108
Sickness benefits....3584
Railroad retirement:
Annuity:
Dates, beginning and ending....3590
Deductions by reason of work....3571
Divorced spouse computations....3568
Eligibility....3565
Employee computations....3568
Evidence required for payment....3591
Family relationships....3587
Social security benefits....3570
Spouse computations....3568
Survivor computations....3569
Annuity application....3592
Disability determinations....3564
Employee status....3585
Employer status....3567
Erroneous payments....3566
Lump-sum payment....3592
Medicare benefits....3572
Military service credit....3576
Railroad safety:
Bridge workers....2103
Hazardous materials....2155
Jurisdictional conformity....2112
Locomotive cab safety....2114
Locomotive operator qualification....2104
Power brake regulations....2115
Rail-highway grade crossing safety....2102
Rail-highway grade crossings....2111
Regulatory Flexibility Act reviews....2113
Safety sensitive functions....2108
Sleeping quarters, on-track....2107
Railroad unemployment insurance:
Available for work definition....3588
Daily benefit rates....3583
Employer intervention rights....3579
Employers' contributions....3582
Exhaustion of benefits....3573
Lump-sum payments....3575
Mail-in registration for benefits....3593
Mileage or work restrictions....3581
Monthly compensation base....3578
Overpayment waiver....3589
Public commuter railroad contributions....3594
Qualification for benefits....3577
Remuneration....3574
Repayment tax....2526
Stand-by or lay-over rules....3581
Voluntary quit....3580

Sequence Number

Railroads:
See also Railroad employees
Railroad retirement
Railroad safety
Railroad unemployment insurance
Abandonments of rights-of-way....3998
Accident/incident reports....2106
Commuter rail service:
Access for the handicapped....1647
Construction deregulation....3987
Environmental documentation....3996
Highway grade crossings:
Motor vehicle stopping requirements....1954
Information disclosure....3586
Radio communication....2109
Rail connecting tracks....3994
Rates and fares:
Car-hire charges....3985
Deregulation of demurrage....3986
Partial deregulation....3991
Rail costing system....3989
Tariffs, cost recovery....3988
Recorders, train operation event....2105
Recyclables cost rate....3995
Sleeping quarters noise standards....2116
Tank-car tanks repair and detection of flaws....2152
Range management:
Restoration of Navaho-Hopi land....1253
Rates and fares:
See Air rates and fares
Maritime carriers
Motor carriers
Natural gas
Postal Service
Railroads
Real property acquisition:
For highway construction....1937
Leasehold interests....3347
Uniform policies and procedures....253, 3409
Use and disposition standards....267
Reclamation:
See Mines
Surface mining
Record retention:
See Reporting and recordkeeping requirements
Records:
See Archives and records
Freedom of information
Health records
Privacy
Reporting and recordkeeping requirements
Recreation and recreation areas:
See also Fishing
Hunting
National forests
National parks
National trails system
Rivers
Seashores
Wilderness areas
All-terrain vehicles....3772
Hell's Canyon....209
Public lands management....1318
Ski areas....233
Solid waste disposal....1322
Recreational fishing:
See Fishing
Recycling:
Scrap metal:
Environmental protection regulations....3007
Refugees:
See Aliens
Relocation assistance:
Environmental response....3300
Technical amendments....1081

Sequence Number

Relocation assistance—Continued
Uniform policies and procedures....253, 3409, 3549
Renal diseases:
See Kidney diseases
Rent subsidies:
Ceiling rents....1106
Contract expiration notices....1032
Termination of....1034
Rental loan policies....92
Repatriation:
See Citizenship and naturalization
Reporting and recordkeeping requirements:
Airworthiness directives and life limited parts....1828
Aliens....1390
Archeological collection....1218
Archeological and Historic Preservation Act....1191
Australian Import Certificate....315
Automobile liability insurance....1609
Biological products:
Adverse experience reporting....779
Block grants....667
Chemical manufacturers and processors....3029
Chemicals:
TSCA inventory....3026
Commodity futures....3767
Contractor report of orders received....3353
Credit unions....4005
Defense contractors, controlled materials program....292
Domestic fisheries....360
Electronic records management....3338
Export license forms....310
Federal agencies responsibilities....3453
Filing anti-rebate certificates....3934
Financial disclosure....4102
Financial reports to the FMC....3933
Foreign direct investment....263
Foreign government agents....1448
Futures Commission merchants....3758
Government agency ethics programs....3469
Hazardous material releases....3217
Hazardous materials:
Extremely hazardous substances....3215
Hazardous materials, incidents....2177
Home health agencies....934, 960
Immigration User Fee Account....1401
Income taxes....2414
Infant formula testing....787
Inspection, test and delivery of supplies....3351
Investment companies....4108, 4124, 4146, 4147
Labor standards in South Africa....1608
Land records, uranium mill tailings....624
Land registration....1073
Maritime carriers:
Index of documents for agreements....3929
Medical waste tracking....3114
Micrographics records management standards....3422
Mortgage insurance....1064
Motor carriers....1935
Notification to Congress of substantial awards....3319
NRC records, copying charges....4101
Nuclear power plants....4028
Nursing facility inpatient costs, skilled....961
Panama Canal Commission....3543
Pesticides:
Production and distribution records....2994
Pesticides risk/benefits information....2992
Progress report submission....281
Property acquisition....648
Salmon fishing, Alaska....358
Securities....4112, 4149, 4155
Small business investment companies....4185
Swordfish landing, mandatory dealer reporting....359
Theft reports from rental and leasing companies....2059
Timber sales....1361

Sequence Number

Peporting and recordkeeping requirements—Continued
Toxic chemical release inventory....3008
Toxic release....3020
Trademark records of ownership....430
Travel and relocation cost data....3334
Uniform guidelines on employee selection....3263
VA confidential quality assurance....2943
Waste treatment facilities inspections....3086
World-wide real property inventory system....3311
Research:
See also Agricultural research
Educational research
Medical research
Acquisition regulation....3642
Animal welfare regulations....63
Biotechnology....2991, 3015, 3016
Estuarine reserve research system....412
Ethical problems....625
Fishing, domestic and foreign....362
Grant award policies and procedures, energy....623
Hospitals:
Grants and contracts cost principles....658
Human subjects, protection....625, 3398
Human subjects....2909
Human subjects protection....789
Key Largo marine sanctuary....385
Marine affairs....397
Marine protection....428
Misconduct....830
National Institutes of Health:
Regulations revision....826, 827
Public Health Service grants:
Misconduct procedures....830
Reserve forces:
See Armed forces reserves
Retirement:
See also Pensions
Railroad retirement
Social security
Employees of credit unions....4007
Rice:
Price support program....12, 47
Short grain, subclass....102
Rights-of-way:
Acquisition of real property for....1937
Federal-aid highway program regulations....1970
Indian lands....1260
Reversion of abandoned railroad track....3998
Rivers:
Ship-generated waste in....3090
Roads:
See Highways and roads
Rockets:
See Aircraft
Rodenticides:
See Pesticides
Rotorcraft:
See Aircraft
Royalties:
See Mineral royalties
Rubber and rubber products:
See Tires
Rural areas:
Business development....466
Electric borrowers....237, 238, 242
Electrification....250
Rural electrification loans....249
Telephone program....251
Telephone system construction contract....241

Sequence Number

S

Safety:
See also Aviation safety
Consumer protection
Fire prevention
Hazardous materials
Highway safety
Marine safety
Mine safety and health
Motor vehicle safety
Occupational safety and health
Pipeline safety
Poison prevention
Radiation protection
Railroad safety
Acetonitrile....3779
All-terrain vehicles....3772
Blood and blood products....777
Boats and marine engines, retail purchasers of....1721
Child-resistant packaging....3781
Drugs, over-the-counter....775
Electric hair dryers, hand-held....3776
Electric heat tape....3775
Fireworks regulations....2242
Fishing vessels, foreign....413
Hydrogen sulfide....1353
In health care facilities....2942
Marine safety:
Safety/security zone regulations....1725
Standards for liquefied gas carriers....1677
Nuclear power....4028, 4031
Pharmaceuticals....776
Product Safety Act, Consumer....3775, 3776, 3778, 3788
Saunas....3778
Sodium bromate....3779
Visitor protection on the Appalachian Trail....1195
Water beds....3780
Water and marine safety:
Liferaft launching devices....1673
Lifesaving equipment regulations....1717
Personal flotation device components....1681
Personal flotation devices....1672, 1674
Salaries:
See Wages
Sanitation:
See Public health
Waste treatment and disposal
Satellites:
See also Space transportation and exploration
Communication:
Duty-free entry....3397
Savings bonds:
See Bonds
Savings and loan associations:
Affiliate transactions....3903
Bonded officers, deductible calculation....3911
Capital requirements....3900, 3906
Claims against S&Ls in liquidation....3927
Equity-risk investments....3912
Holding companies of....3914, 3915
Income taxes....2825
Investment portfolio policy....3909
Readmission to FHLB System....3904
Release of customer financial records....3918
Reorganization....2409, 2682
Termination of FSLIC insurance....3899
Scholarships and fellowships:
VA health professionals....2944
School integration:
See Equal educational opportunity
Schools:
See also Colleges and universities
Educational facilities

Sequence Number

Schools—Continued
Food distribution program....109
Foreign student enrollment....1400
Foreign students....1445
Scientific equipment:
See also Medical devices
Medical equipment....295
Seafood:
See also Fish
Fisheries
Fish....348, 402
Marketing councils....404
Product standards....349, 402
Shrimp....349
Seals:
See Marine mammals
Seamen:
Certification, ratings and endorsements....1685
Seaplanes:
See Aircraft
Seashores:
See also Coastal zone
Cape Hatteras National Seashore:
Routes for off-road vehicles....1198
Cape Lookout:
Off-road vehicles....1193
Fire Island:
Zoning standards for....1214
Securities:
See also Bonds
Government securities
Accountants, peer review....4148
Accountants....4181
Accounting principles....4150
Acquisitions....4118, 4136, 4145
Advertising....4133, 4141
Annual reports....4143
Auditing standards....4150
Book-entry securities of GNMA....1094
Broker-dealer dissemination of information....4137
Classification of small issuers....4112
Competition....4176
Credit by brokers and dealers....3965
Disclosure requirements....4111-4174
Edgar system....4109
Electronic filing and processing....4109
Employee stock option plans....2334
Exchange standards....4180
Exempted....4170
Exemptions....4179
Extraordinary corporate transactions....4117
Federal National Mortgage Association....994
Financial condition....4171
Financial information....4107
Financial reporting....4102
Foreign....3953, 4135, 4156
Foreign brokers or dealers....4176
Foreign issuer....4119, 4120
Futures Commission merchants....3758, 4140
GNMA mortgage-backed....1095
Government, customer protection....4160
Investment advisers....3925, 4127
Investment companies....4139, 4140, 4180, 4183, 4184
Leveraged buyouts and debtholders....4105
Listing position....4175
Lock-box rules....4115
Management responsibilities....4149
Management services, individual....4162
Money market funds....4167
Mortgage-backed....4128
Multi-jurisdictional registration....4111
Multinational offerings....4111
Municipal disclosures....4177
Mutual fund governance....4123
Net capital requirements....4122

Sequence Number

Securities—Continued
Novel and unique offerings....4103
Partnerships....4157
Prospectus....4110, 4113, 4154
Prospectus simplification....4164
Proxies....4125
Quotations....4121
Real estate....4134
Recordkeeping and confirmations....2253, 3873
Registration....4116, 4142, 4164, 4165
Registration requirements....4153
Registration statement form....4126
Regulation of bank trading....3875
Reporting requirements....4112, 4124, 4149
Reports of investment companies....4108
Repurchase agreements....4132
Repurchases, disclosure of block....4172
Resales....4153
Sales, registration....4144
Sales literature....4104
Sales loan charges....4168
Sales practice requirements....4178
Shareholder lists....4114
Small investment advisers....4141
Stock-index-related products....3965
Syndicate, existence of underwriting....4131
Tender offer rule amendments....4151
Trading system....4159
Utility holding companies....4169
Wire transfer systems....3962
Security:
Aboard foreign passenger-carrying aircraft....1895
Financial statements....4106
Security information:
See Classified information
Security measures:
See also Classified information
Adjudication and procedures....1372, 3381
Advance notice of arrival, Warsaw Pact nationals....1704
Arrest authority....3387
Classified matter, access to....621, 653
Computer equipment....324, 329
Criminal intelligence systems....1449
Defense industrial personnel....451
Exports....294, 295, 296
Inventions, foreign....429
National Aeronautics and Space Administration....3387
Port Security Card....1703
Private Remote Sensing Space Systems....398
Threats to civil aviation....1904
Segregation in education:
See Equal educational opportunity
Seizures and forfeitures:
VA benefits....2950
Selective service system....3485, 3595
Senior citizens:
Adult day care....114
Age discrimination by NEA-assisted activities....3435
Air travelers, nondiscrimination....1633
Equal employment opportunity....3260
Food distribution program....109
Housing loans....1057
Medicare actuarial and Part B premium....951
Medicare Part A premium for uninsured....950
Mortgage insurance....1013
Nondiscrimination:
DOT financial assistance programs....1630
Nondiscrimination in EPA programs....3256
Senior Community Service Employment Program (SCSEP)....1478
Serums:
See Biologics
Sewage disposal:
Sewers, industrial discharges....3059
Sludge use and disposal....3056

Sequence Number

Sex discrimination:
In DOI education programs....1132
Under Federally assisted education programs....2903
Shipping:
See Air carriers
Freight
Maritime carriers
Motor carriers
Railroads
Ships:
See Vessels
Signs and symbols:
See also Trademarks
Penalties for misuse....666
Slum clearance:
See Urban renewal
Small businesses:
See also Minority businesses
Accrued interest to investor....3604
Audits of investment companies....3596
Awards, competitive basis....3698
Breakout center representatives....3750
Business Opportunity Development Act....3661
Certified lenders program....3618
Competitiveness demonstration program....513
Conduct standards, employees....3633
Contract awards....514
Counseling fees....3598
Development Centers....3612
False representation, penalty....463, 464
Farmers, exemptions from foreclosure....3607
Federal acquisition set-aside....3695
Government contracts, set-asides....3644
Grants and cooperative agreements....3614
International markets....3632
Investment companies....3597
Loan fees....3626
Loans:
Alter ego loan guarantees....3631
Collection costs, recovery....3622
Disaster victims....3608
Export....3629
Guaranty fee....3619
Pollution control facilities....3616
Preferred Lenders Program....3617
SBA 8(a) program participants....3635
State and local development companies....3599, 3630
Minority businesses....1628
Minority-owned:
Minority capital ownership development....3628
Nondiscrimination:
Federally-assisted programs....3600
Financial assistance programs....3601
Public certificates of interest....3611
Set-aside award....3749
Set-aside contracts, size standard....3714
Size standards:
Commodity contracts brokers and dealers....3627
Compliance....3610
Export trading companies....3623
Natural gas distribution....3621
Nonmanufacturers....3605, 3625
Nonprofit organizations....3620
Residual....3613
Timber industry....3624
State and local development companies....3606
Subcontracting limitations....3603
Surety bond guarantee fee....3615
Timber sale, set-aside....200
User fees....3602
Smoking:
Aircraft non-smoking seats....1645

Sequence Number

Social security:
See also Aid to Families with Dependent Children
Child welfare
Medicaid
Medicare
Acquiescence Ruling....741
Agricultural wages....713
Application of Circuit Court law....741
Disability claims....756
Federal employment coverage....760
Government pension....714
Income and Eligibility Verification System data....984
Information disclosure for law enforcement purposes....700
Nazis, suspension of benefits of deported....725
Number, newborn children....754
Number, required for benefits....724
Penalties and sanctions:
Procedures, standardization....678
Substantial gainful activity, guidelines....756
Taxation, religious exemption....725
Work situations coverage extension....713
Soil conservation:
Snow surveys....255
Surveys, Federal land....254
Water supply:
Forecast program....255
Solid waste disposal:
See Waste treatment and disposal
Sorghum:
Standards change....101
Soybeans:
Loans....29
Price support program....19
Space programs:
Communication satellites....3397
Data obtained from....3385
Extraterrestrial exposure....3384
Grant college and fellowship program....3411
Human subjects, protection....3398
Mission specialists....3396
Payload specialists....3396
Science flight investigations....3385
Tracking and data relay satellite system:
Non-government users....3392
Space transportation and exploration:
Astronaut recruitment....3408
Insurance for commercial launches....1615
Insurance and indemnification....3390
Personnel screenings....3406
Space Shuttle:
Mementos aboard....3380
Reimbursable payloads....3379
Services, reimbursement for....3382
Space station liability waivers....3415
Spacelab services....3391
Sport fishing:
See Fishing
Stamp taxes:
See Excise taxes
State-Federal relations:
See also Intergovernmental relations
States:
Coastal zone management....427
Community development block grant programs....1077
Statistics:
Fishery conservation and management....399
Foreign trade....264
Policy directives....3454

Sequence Number

Stocks:
See Securities
Strip mining:
See Surface mining
Student aid:
See also Scholarships and fellowships
Health Education Assistance Loan (HEAL) program....805
Work-study programs....1089
Students:
Foreign residence requirement....546
Subsidies:
See Grant programs
Rent subsidies
Sugar:
Import quotas....183
Market stabilization price....182
Price support loan rates....30
Price support program....53
Sugar beets and sugarcane....17
Sunshine Act....3867
Supplemental Security Income (SSI):
Acquiescence Ruling....741
Administrative procedure....742
AIDS extension....763
Alaska Natives....702
Aliens....744
Application of Circuit Court law....741
Assistance payments, exemption of....765
Benefit amount....765
Benefits adjustment....698
Benefits due deceased....707
Blindness....710
Cancelled examinations....750
Compliance with Federal law....736
Consultative examinations....734
Determinations and decisions, reopening and revising....730
Disability determinations:
State agency substantial failure....721
Eligibility, redeterminations....728
Emergency advance payments, increase....753
Evaluation of symptoms, including pain....739
Homeless in emergency shelters....766
Immune system disorders evaluation criteria....704
Income:
Assistance payments, exemption of....765
Definition....733
Household operating expenses....711
Housing assistance payments, exclusion....757
Indian judgment funds exclusion....702
Last illness and burial payments, exclusion....716
Loans, proceeds of....711
Parents' income deemed to child....709
Income, unearned....735
Institutionalized persons....717
Interim assistance reimbursement program....715
Interim disability benefits....727
Multiple impairments....699
Overpayments....738, 740
Personal needs allowance, increase....766
Presumptive disability....763
Reductions, suspensions, and terminations....729
Representatives, suspension and disqualification....720
Resources:
Burial and burial spaces, exclusion of funds for....752
Cash payments to spouse or parent, exclusion....723
Home replacement situations....712
Housing assistance payments, exclusion....757
Promissory notes....712
Real property, exclusion of....751
Transfer of assets....751
Severely impaired, employed:
Continuation of benefits....706
State supplementation, optional:
Federal administration....743
Substantial gainful activity, guidelines....756

Sequence Number

Supplemental Security Income (SSI)—Continued
Substantial Gainful Activity (SGA)....701
Underpayments....766
Vocational factors....764
Vocational factors evaluation....722
Vocational rehabilitation:
Continuation of benefits....732
Payment of costs....737
Surety bonds:
Alternatives....2217
Certified companies....2218
Surface mining:
See also Mine safety and health
Coal mines:
Exploration permits....1135
Fugitive emissions....3181
Fees and permits....1295, 1300
On Indian lands....1309
Performance standards....1308
Repeal of 2-acre exemption....1291
Surplus agricultural commodities:
Dairy products....2975
Wheat....2975
Swine:
See Hogs
Symbols:
See Signs and symbols
Syrup:
See Sugar

T

Tank vessels:
See Cargo vessels
Tariffs:
See Customs duties and inspection
Taxes:
See also Customs duties and inspection
Employment taxes
Estate taxes
Excise taxes
Gift taxes
Income taxes
Administrative costs recovery....2803
Arbitrage regulations....2585
Brokers, reporting requirements....2777
Collection after assessment....2317
Environmental....2508
Federal tax lien:
Erroneous filing....2790
Gasahol:
Alcohol credit....2322, 2554
Tolerance allowed....2503
Income taxes:
Refund offset by pay debt owed DOT....1642
Information disclosure....2783
Investment companies, regulated....2692
IRS, due diligence standards for tax practitioners....2210
Life insurance costs....2332
Loans....2424
Marital deduction, alien spouse....2495
Methods of computing:
Accumulated trusts....2413
Modified endowment contracts....2424
On railroad rights-of-way....3998
Passive activity losses and credits....2669-2676
Penalties, abatement of....2795
Pension plans....2382
Procedure and administration:
Civil causes of action for damages....2541
Civil damages....2540
Corporation status....2318
Drug-related activities, illegal....2805, 2844
Elections, time and manner of making....2809

Sequence Number

Taxes—Continued
Procedure and administration—Continued
Federal tax lien....2528, 2540, 2790
Jeopardy levy and assessment....2539
John Doe summons disputes....2545
Law enforcement....2805, 2844
Levy, effect of honoring....2530
Levy and distraint....2312
Options attribution rules....2631
Personal property lien....2528
Statute of limitations, extension....2317
Statute of limitations....2545
Tax collection, recklessness....2541
Tax liability in installments....2523
Taxpayer assistance orders....2810
Taxpayer ID numbers....2784
Taxpayer interviews....2543
Technical and miscellaneous elections....2549
Valuation tables....2542
Research and experimental expenditures....2596
Savings and loan reorganization....2409, 2682
Section 453A:
Pledging and special interest....2660
Subsidiary, sale of....2783
Uniform premium tables....2567
Teachers:
Paul Douglas Teacher Scholarship Program....588
Technical education:
See Vocational education
Telecommunications:
See also Radio
Satellites
Telephone
Television
Contract standard forms....240
Disabled persons....3809
Federal Telecommunications System (FTS):
Hearing and speech impaired, access....3344
Mandatory use....3341
Government-wide policies and procedures....3337
International....3806
National public safety plans....3853
Telephone:
Air-to-ground service....3821
Borrower audits....246
Cordless....3817
Price cap rules....3813
Rural, equipment and construction....244
Rural, loan security documents....243
System construction contract....241
Television:
Advanced systems....3839
Cable cross-ownership....3810
Interference problems....3837
Networks:
Two-year cap....3851
Satellite stations....3832
Wireless cameras....3834
Timber:
See Forests and forest products
Tires:
CT....1999
Motor vehicle safety....2082
Multipiece wheel rims....2099
Passenger cars:
Non-pneumatic....2064
Pneumatic:
Labeling....2000
Pneumatic, standards....2049
Size labeling....2050
Tobacco:
See also Cigars and cigarettes
Acreage allotments....27, 51
Flue-cured....25
Marketing quotas....24, 27

Sequence Number

Tobacco—Continued
Penalty rates....32
Price support program....15, 24, 40, 42, 43
Puerto-Rican Cigar-Filler....33
Quotas....52
Toiletries:
See Cosmetics
Tourist trade:
See Travel
Toxic substances:
See Hazardous materials
Poison prevention
Toxic substances control:
Chemical test rules....3022
Chemicals....2999, 3010
Chemicals 'peak release'....3008
Food additive tolerances....3000
Microorganisms....3016
Pesticide inventory with cancelled registration....3002
Pesticides:
Produced by transgenic plants....2985
Production and distribution records....2984
Polychlorinated biphenyl....3018
Polychlorinated biphenyl (PCB) wastes....3025
Release reporting....3020
Scrap metal recycling....3007
Test rules and consent agreements....3011
Toxic wastes, liability....273
Toxins:
See Biologics
Toys:
Crib toys and mobiles, safety....3777
Product standards....3782
Safety labeling....3774
Trade agreements:
Binational review panels....291
Canada Free-Trade Agreement....3664
Trade practices:
Air carrier agreements and mergers....1649
Trademarks:
Automated search systems:
Public access, fees....434
Crocker decision....439
Disciplinary proceedings....436, 440
Fees, automated search system....434
Judicial review....437
Proceedings, inter parties....438
Registration....439
Rules of practice....438
Security agreement recording....430
Trial and appeal decisions....439
Traffic regulations:
Motor carriers:
Drivers' traffic violations....1950
Off-road vehicles....1363
Pavement marking and traffic control devices....1962
Uniform Traffic Control Devices manual....1948
Trails:
See National trails system
Training programs:
See Manpower training programs
Transportation:
See also Air carriers
Bridges
Common carriers
Freight
Highways and roads
Mass transportation
Noise control
Pipelines
Railroads
Space transportation and exploration
Vessels
Acetylene cylinders....2159

Sequence Number

Transportation—Continued
Aircraft, cargo limit....2172
Alcohol abuse within the industry....1611
Buy America requirements....2127
Carbon dioxide....2165
Cargo tanks, standards....2176
Gas gathering line definition....2139
Government use regulated by the FPMR....3333
Grants to U.S. territories....1629
Hazardous materials:
Civil penalty, procedures....2193
Elevated temperatures....2157
Emergency response information....2184
Explosive regulations....2178
Gas cylinders....2169
High-pressure seamless cylinders....2150
Incident reports....2177
Intrastate....2141
LP gas....2170
Miscellaneous amendments....2171
Motor vehicle procedures....2148
Portable tanks....2183
Private carriers....2180
Quality assurance....2182
Radioactive materials....2181
Registration of shippers and carriers....2128
Routing standards....2143
Welded steel cylinders....2149
Hydrogen sulfide pipeline....2160
International Atomic Energy Agency....2158
Placards, visibility....2166
Radioactive materials....2136, 2158, 2192, 4066
Urban mass transit:
Reduced fare programs....1657
Travel:
See also Passports and visas
Travel and transportation expenses
Promotion fee....445
Tourist trade:
Advertised airline tour prices....1614
Responsibility for air charter passenger funds....1622
Travel and transportation expenses....2649
Travel and transportation expenses:
CONUS per diem allowances....3327
Cost reimbursement contracts....3326, 3367
Electronic payment for....3366
Income tax allowance for relocation expenses....3328
Increased automobile mileage rate....3313
Limiting travel advance payments....3331
Per diem allowances....3314
Premium class air travel....3329
Public voucher form revision....3321
Reports to Congress....3334
Standard form 1170 revision....3365
Transportation voucher submission....3335
United States Coast Guard:
Vessel inspections in foreign ports....1736
Update of the FIR....3330
Treaties:
See also Trade agreements
Migratory birds....1161
U.S.-Canada:
Airworthiness agreement....1872
Vessel traffic management, Pacific region....1747
Trucks:
See Motor carriers
Motor vehicles
Trusts and trustees:
Computing accumulated income tax....2413
Grantor trusts....2414

Sequence Number

Turpentine:
See Forests and forest products

U

Underground mining:
See Mine safety and health
Unemployment:
See Community development
Manpower training programs
Unemployment compensation
Unemployment compensation:
See also Railroad unemployment insurance
Income and eligibility disclosure....1475
Interest on advances to States....1473
Reed Act funds....1470
State requirements....1482
Uniform Code of Military Justice:
See Military law
Universities:
See Colleges and universities
Upward Bound Program:
See Education of disadvantaged
Uranium:
Enrichment facilities....4088
Mill sites, radon....4060
Mill tailing sites....4037
Tailing sites....3069
Urban homesteading....1093
Urban renewal:
See also Community development
Business relocation....1090
User charges:
Federal policy....3449
Utilities:
See also Electric utilities
Natural gas
Water supply
Cash working capital allowance....3889
Competition or rates....642
Contract services to GSA....3349
Powerplant and industrial fuel use....626, 629

V

Vaccines:
See Biologics
Vegetable juices:
Diluted:
Labeling....788
Vegetables:
See also Specific vegetables
Import restrictions....58
Vessels:
See also Cargo vessels
Fishing vessels
Harbors
Marine safety
Maritime carriers
Navigation (water)
Passenger vessels
Anchorage area regulations....1726
Arrival, advance notice, Miami, FL....1766
Asbestos hazard....1662
Asbestos prohibition in construction of....1732
Benzene cargo requirements....1667
Boilers, automatic auxiliary....1702
Certification of seamen....1685
Charters to noncitizens....2208
Coast Guard services user fees....1665
Commercial:
User fees for documentation....1708
Construction fund....368
Dealers, requirements for first purchase list....1721

Sequence Number

Vessels—Continued
Documentation:
Mortgages....1709
Domestic offshore trades, financial reporting....3933
Electrical engineering regulations....1687
Electronic position-fixing devices on board....1699
Energy management regulations....632
Fees, Coast Guard....1666
Fire extinguisher standards....1756
Fire protection....1671, 1678, 1754
Fishing, observer policy on domestic....360
Fishing....368, 382, 383
Foreign, safety of U.S. observers....413
Great Lakes pilotage system....1743
Hailing ports, designation of....1710
Hawaiian Exclusive Zone....401
Hazardous materials, transportation....2179
Hopper dredges, stability standards....1720
Industry standards, adoption of....1700
Inspection, information available during....1692
Liferafts launching devices....1673
Load lines....1689
Maneuvering performance standards....1750
Marine engineering regulations....1679
Marine portable tank specifications....1680
Measurement....3542
Navigation bridge visibility....1734
New Orleans traffic service....1661
Offshore evacuation....1748
Offshore supply....1713
Oil discharge monitoring and control system....1767
Panama Canal:
Dangerous cargoes radio communication....3539
Inspection and registration....3538
Measurement rules....3534
Prohibited cargoes....3537
Requirements for arriving and departing vessels....3540
Tolls for use....3541, 3542
Pilots, licensing of....1716
Piping systems, standards for....1722
Pollution control....3090
Port access routes, Chesapeake Bay approaches, VA....1660
Port access routes and anchorage, Freeport, TX....1659
Ports of entry for aliens....1428
Regattas and marine parades, permit applications....1694
Registry, national....1687
Safety/security zone regulations....1725
School ships:
Inspection and standards....1753
Small passenger vessels and sailing school ships....1666
Tonnage measurement system....1735
Towboats:
Identification, on lower Mississippi, eliminated....1769
Traffic management for Pacific region....1747
Travel promotion fees....445
Unauthorized fishing gear....409
Vessel identification system, fees for....1663
Whales, harassment of humpback....401

Veterans:
Acquisitions by the VA....2963, 2964
AIDS/HIV treatment....2908
Alcohol abuse....2878, 2908
Appeals regulations....2936, 2966
Beneficiaries....2913
Beneficiaries and claimants:
Travel expenses....2849
Beneficiaries income and assets....2872
Beneficiaries paid in foreign currencies....2899
Benefits:
Forfeiture for fraud....2950
Payments to dependents....2912, 2915
Burial benefits....2862
Child care centers....2855
Civil rights of....2865
Claims....2864, 2897, 2910

Sequence Number

Veterans—Continued
Community nursing home care....2854
Confidentiality of medical peer review....2857
Confidentiality of medical records....2859
Conveyance of property to the VA:
Loan guaranty title evidence....2894
Death benefits....2961
Dental care....2945
Disability rating....2847
Domiciliary income....2853
Drug abuse....2908
Education:
Administration of new programs....2928
Dependents assistance and benefits....2882, 2924, 2949, 2953, 2958
Eligibility of alcohol abusers....2929
Eligibility determinations....2873
Employment, training and counseling....2922
Entitlement....2911
Equal opportunity....2863
Members of the Selected Reserve....2891
Montgomery G.I. Bill....2874, 2881, 2884, 2956
On-job training....2879
Payments....2890, 2920, 2921
Post-Vietnam era....2883
Procedural due process....2957
Qualification for by Selected Reserve service....2901
Reservists....2874, 2884
State approving agencies....2881, 2925
Vietnam era G.I. Bill....2949
Withdrawal from courses....2900
Effects of exposure to dioxin....2892
Effects of exposure to dioxin or radiation....2962
Emergency medical care....915
Employment, marginal....2926
Employment services....2947
Employment and training....1595, 1596
Entitlements....2885
Evaluation of VA programs....2906
Exclusions from income....2889
Fee appraisers....2869
Fiduciaries for beneficiaries....2860, 2861, 2872, 2876
Group memorials in cemeteries....2902
Health care professionals reported by the VA....2858
Hearing impairment of....2919
Home loan credit standards....2868, 2885
Income and assets....2853
Independent living services....2880
Independent medical opinions....2888
Individuals reporting for examination....2898
Insurance....2876, 2923, 2954
Legal custodians....2862
Lenders, appraisals by designated....2918
Lenders, nonsupervised automatic....2870
Lists of names and addresses....2940
Loan foreclosure....2887
Loan guaranty....2871, 2917, 2960
Loan guaranty claims payment....2951
Loan guaranty under Fair Housing provisions....2895
Loan origination records....2886
Loan termination....2960
Manufactured homes, purchases by....2867, 2914
Medical care....2850, 2852
Medical care payments....2907
Multiple disabilities....2959
Nondiscrimination and affirmative action....1459
Personal funds and effects, disposition of....2848
Prisoners of war....2875, 2945, 2952
Protection of human medical subjects....2909
Radiation or dioxin exposure....2910
Records and documents....2856, 2943
Recreation facilities....2946
Resident in Canada....2852
Residential health care....2942
Service-connected eligibility....2919, 2952, 2959

Sequence Number

Veterans—Continued
Service-connected eligibility for health care....2851
Spouses....2961
Training outside the U.S....2866
Training for the Senior Reserve Officer Training Corps....2927
Not U.S. citizens....2852
Unclaimed property, disposition of....2848
VA accreditation of claim representatives....2905
VA Scholarship Program....2944
Veterans Readjustment Appointment Program....3463
Vocational rehabilitation program....2877, 2916, 2948, 2955
Viruses:
See Biologics
Visas:
See Passports and visas
Vocational education:
See also Manpower training programs
Aviation maintenance technician schools....1824
Evaluation of applicants....2948
Medicaid coverage....855
Nautical schools:
Inspection of school ships....1753
Navigation:
Use of automatic RADAR plotting aids....1684
Outside the U.S....2866
Veterans' entitlement for....2911
Vocational rehabilitation:
Alcohol abusers' eligibility for....2878, 2929
Disabled veterans....2916
Eligibility for....2877
OASDI and SSI benefits continuation....732
OASDI and SSI coverage....737
Prisoners:
OASDI nonpayment of benefits exception....705
Program extension....2955
Volunteers:
National Institutes of Health....828

W

Wages:
See also Employee benefit plans
Allowances:
For Presidential Transition Team personnel....3332
Child support withholding....967
Compensation:
Of FCA district directors....3791
Minimum wage:
Tips, board and lodging....1467
Pay:
Microfiche/microfilm records of the NARA....3431
State prevailing wage rates....1965
Warranties:
Gasoline-fueled motor vehicles:
Emission standards....3206
GSA policies....3346
Motor vehicle emissions....3200
Vehicle certification....3207
Waste pollution control:
Sludge management....3060
Waste treatment and disposal:
See also Hazardous waste
Recycling
Sewage disposal
Coal mines....1310
Definition of waste management units....3105
Disposal facilities:
Closure requirement and corrective actions....3132
Inspections of....3086
Disposal sites:
Residual radioactivity after clean-up....3067
Double liner and leachate collection system....3129
Experimental facilities, research and development....3101
Federal facilities responsibilities....3210
Financial test criteria....3104
Flood plain and seismic restrictions....3096

Sequence Number

Waste treatment and disposal—Continued
Hazardous containerized liquids in landfills....3127
Hazardous waste:
Landfill surface impoundment....3098
Priorities list....3237
Released to groundwater....3102
Hazardous waste management system....3134
Incinerators:
Ash disposal....3088
Incinerators, emission controls for hazardous waste....3099
Industrial discharges of hazardous of toxic pollutants....3055
Industrial waste....3059
Land disposal:
Liner and leak detection regulation....3095
Restrictions....3087, 3133
Land disposal facilities:
Hazardous material transferred to....3218
Land restrictions....3106
Liability for the clean-up....3209
Location standards for facilities....3096
Medical waste demonstration tracking program....3114
Metallic ore-processing wastes....3122
Mining waste regulatory program....3110
Municipal waste combustion....3154
National Forest System....210
Nuclear waste disposal, low-level....4067
Ocean dumping of dredged material....3044
Ocean dumping sites....3043, 3045
Ocean dumping of sludge and radioactive waste....3063
Permit applications....3041
Public lands....1322
Radioactive materials....4035
Radioactive waste standards, low-level....3066
Recreation areas....1322
Reprocessing coal waste....1293
Sewage sludge use and disposal....3056
Sites, uncontrolled....3224
Sludge management....3060
Soil and debris, hazardous....3100
Solid waste....3119
Solid waste definition....3118
Solid waste disposal:
Municipal landfills, emissions from....3155
Technical standards for corrective action....3097
State program capability requirements....3109
Stormwater discharge requirements....3054
Sump standards and regulation....3107
Technical assistance grants....3213
Toxic waste, liability for....273
Underground storage tanks:
Financial responsibility....3112, 3131
Overfill prevention equipment....3113
Vessels transporting waste, permits for....1706
Wastewater treatment:
Aluminum can zirconium phosphate....3126
Water carriers:
See Maritime carriers
Water pollution control:
See also Waste treatment and disposal
Citizen suit notice....3057
Construction grants....3046, 3047
Construction grants to States....3051
Copper and beryllium effluents....3037
Corrosion by-products....3078
Cyanide levels....3036
Denial or restriction of disposal sites....3242
Effluent guidelines:
Industrial wastewater....3055
Pharmaceuticals....3033
Erosion during highway construction....1955
Estuary program grant regulation....3053
Groundwater protection from uranium....3069
Hazardous waste....3064

Sequence Number

Water pollution control—Continued
Marine pollution:
Dumping sites....3043
Effluents of offshore oil and gas extraction....3048
Municipal discharge into marine waters....3039
Ocean dumping of dredged material....3044
Ocean dumping sites....3045
Ocean dumping of sludge....3063
Oil and gas facility effluents....3031
Ships, waste generated on-board....3090
Nonferrous metals:
Effluent guidelines....3049
Oil pollution:
Tanker regulations....1675
Vessels, international convention for prevention....1728
Oil pollution prevention....3085
Permit violations....537, 539
Permits, fee increase....536
Pesticide chemicals:
Effluent guidelines....3034
Plastics, ship-generated garbage....1719
Pollution discharge elimination....3038
Pulp, paper and paperboard effluents....3035
Radionuclides....3072
Safe Drinking Water Act....3258
Sludge management programs....3040
State lists of waters....3052, 3062
Stormwater application requirements....3054
Vessels, oil discharge from....1767
Waste disposal permit applications....3041
Waste treatment and disposal:
Injection control programs....3081
Wastewater treatment sludges:
Aluminum can zirconium phosphate....3126
Wastewater treatment unit, definition of....3103
Water resources:
See also Water supply
Conservation fund....1231
Pollutants test procedures....3058
State water quality reports....3052
Surface water toxics control....3062
Within national parks:
Miners' water use regulation....1228
Water supply:
Drinking water:
Contaminant levels....3077
Contaminant levels of radionuclides....3072
Disinfectants....3073
Endangered by injection....3081
Injection wells....3071
Inorganic and organic chemicals....3074
Lead and copper....3078
Microbiological contamination and disinfection....3080
Primary regulation for....3076
Wellhead and aquifer regulation....3075
Drinking water....3079
Groundwater contamination....3088
Groundwater monitoring....3091
Groundwater protection....3102, 3108, 3119
Groundwater protection from pesticides....2988
Hazard ranking system....3220
Municipal treatment plants....3039
Public water supply....3079
Sludge management program....3038
Statistics for groundwater contamination....3128
Underground injection control....3071
Use and protection....125
Water quality standards....3032, 3040, 3050, 3061
Water transportation:
See Harbors
Marine safety
Maritime carriers
Navigation (water)
Vessels
Waterways

Sequence Number

Waterfowl:
See Wildlife
Waterfront facilities:
See Harbors
Watermelons....10
Waterways:
See also Bridges
Harbors
Rivers
Panama Canal:
Tolls for use....3541, 3542
Vessel inspection and registration....3538
Weapons:
See Arms and munitions
Wetlands:
See Coastal zone
Whales:
See Marine mammals
Wildlife:
See also Endangered and threatened species
Wildlife refuges
Bird diseases....57
Captive bred....1146
Coastal migratory pelagic resources....414
Conservation....224
Convention on international trade....1140, 1153
Corps of Engineers....534
Customs port-of-entry....1173
Endangered and threatened....351, 1157-1183
Federal Aid in Wildlife Restoration program....1149, 1186
Guam rails....1176
Humane transport....1174
Hydroelectric licenses....3883
Import and export marking and labeling....1158
Importation, exportation, and transportation....1185
Injurious:
Brown tree snakes....1154
Mitten crabs....1182
Salmonidae....1148
Marine mammals....400
Marine sanctuary program....385, 386–389, 391, 393–428
Migratory birds:
Hunting....1144
Hunting seasons and limits....1138
Subsistence take in Alaska....1145
Migratory birds....1161, 1165
Portland, Oregon, port-of-entry....1173
Protection....1179
Protection on Forest Service lands....188
Raptor propagation and falconry regulations....1165
Restoration grants....1181
Wild horse and burro protection....1348
Wildlife refuges:
Surface coal mining prohibited....1303
Wildlife refuges:
Hunting....1143
Hunting and fishing....1150
Public entry and use....1141
Sport fishing....1142
Windfall profits tax:
Subchapter S items....2789
Wine:
Labeling....2222, 2236, 2237
Labeling and advertising....2221, 2238
Production and treatment....2235
Recodification of regulations....2233
Taxes....2229
Viticultural areas....2230
Women:
See also Minority businesses
Sex discrimination
Women's Educational Equity Act....564

Sequence Number

Wood:
See Forests and forest products
Wool:
Price support program....13
Price supports....36
Workers' compensation:
Coal mine workers....1466
Disability....1465
Longshore and harborworkers....1466

Sequence Number

Y

Youth:
See also Infants and children
Runaway and Homeless youth program....690

Z

Zoning:
Repeal within Indiana Dunes National Lakeshore....1188
Standards at Fire Island National Seashore....1214